A 9-12-40

TREATISE COLLECTED OUT OF the Statutes of this Common-wealth, and according to common *experience of the Lawes*,

Concerning

THE OFFICE AND AUTHORITIES OF *CORONERS* AND *SHERIFES.*

Together with

An easie and plaine method for the *keeping of a Court Leet, Court Baron,* and Hundred Court, &c.

By JOHN WILKINSON *of Bernards Inne, Gent.*

To which is added the returne of writts by *John Kitchin* Esq; Now all publiſhed in Engliſh.

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To the Courteous Reader.

WHereas many wise and learned men have written of things that they have gathered by reading, I doe publish what I have practised, warranted by authorities in Law. And because the end of writing books is to benefit others, I know it will bee acceptable to all that are not deeply studied, to make use of these things which I have collected: neither can it offend the best learned, to see that plainly set out, as it were by demonstration: which they by learning already understand.

The Office of a Coroner, the Office and dutie of a Sherife, and the Office of a Steward, and and the manner of keeping of Courts in Hundreds, Leetes, Baronies, are daily exercised by many, yet few know the true formes that are to bee kept in keeping of those Courts: For their sakes therefore I have undertaken this paines, and dare be bold to say, that they shall not much erre, if they follow what is here in this Booke set downe, for direction for them herein. To which I have added the Returne of

writts, Originally written by the learned *John Kitchin* Eſquier, as generally uſefull, as any of the former Tracts (which with much care and diligence, are now all Tranſlated into Engliſh, for thine, and the publique good. If thou findeſt in this worke any ſmall errours, be pleaſed to excuſe it, beeing the firſt that hath adventured in this untrodden path: And your good acceptance may further incourage mee to continue

Your faithfull Servant,

J. W.

A COMPENDIOUS TREATISE, WHEREIN is ſet forth the Office and authority of a CORONER.

THE FIRST BOOKE.

A Coroner is an ancient Officer of this common-wealth, and ordained to be a principall preſerver of the Peace, and to carry the Records of the Pleas of the capitall Office of the upper Bench, and of his owne view, and of abjurations, outlawries, appeales, &c. And this definition of him is given by *Britton* an ancient writer, *fol.* 3. with the which agreeth the booke *de tit' Coron' in Fitz. Nat' Br. pag.* 186. where he amplifieth his power more largely, *viz.* That he ſhould carry Records of his owne view, Abjurations, Outlawries, Appeales, accuſements of theeves done before him, and of all nonſuits in appeales, and of all other things done in the County, that appertaine to the coroners office: and alſo in the court of freemen, which have franchiſes of infangtheef, &c. And in the preſence of the Coroner ſhall all appeales of Robberie and Larceny bee framed. Theſe things doe declare the office of a Coro-

n er to be an Office of truſt, and of great authority: and for that cauſe it is requiſite that it be committed to a wiſe man, and of good behaviour, as it was well perceived by our ancient Fathers and predeceſſors, and chiefely by thoſe that made the Statute at Weſtminſter the 1.chp. 10. which rehearſeth, for that that people of ſmall condition, and not of the wiſeſt, be now lately choſen to the office of Coroners, and much meeter it were, that wiſe men, loyall, and ſage, ſhould intermeddle with that office, It is provided, that through all Counties be choſen ſufficient men to be Coroners, of the moſt loyall and moſt ſageſt Knights, which beſt know, can or will attend to that office, and that they lawfully keepe and preſent the pleas of the Capitall office of the upper Bench: And that the Sherifes have counter-rolles of the Coroners, as well of Appeales as of Inqueſts concerning Attachments or other matters appertaining to that office. And that no coroner ſhal demand any thing, or take any thing to execute his office, upon paine of a great forfeiture to the Keepers of the liberty of England by authority of Parliament to the uſe of the common-wealth.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cauſe to remove and diſcharge a coroner from his office, if he be not a Knight: but Maſter *Fitzherbet* in his *Natura brevium* in his writ *de Coronator. eligend'* would not allow the ſame for a ſufficient cauſe at this day, alledging; That thoſe words were put into the Statute, to the intent that a Coroner ſhould have ſufficient within the county to anſwer for all that he doth or ought to doe by his ſaid office.

Alſo this Statute requireth ſuch a Coroner as can, will, & may attend to execute the ſaid office. And therfore if ſuch a Coroner be elected & chſen as cannot, will not, nor may not attend the execution of the ſame office, he is to be removed & diſcharged by Writ from the ſame office: & the cauſe of his not attendance or inſufficiency muſt bee rehearſed in the writ, *viz.* that he is occupied in other of the com-

common-wealths affaires, or that he is not in health, or aged, or unapt for the ſame Office, or that he is inſufficient in lands, or that he hath the palſie, or that his abode is in the uttermoſt parts of the county, or that he is nominated Sherife, or Ranger of a Forreſt: but if any of theſe cauſes be untrue, and the Coroner thereby diſcharged of his office by a falſe ſuggeſtion, Then hee may if he will goe to the Chancery, and there by petition pray a Commiſſion to inquire of this falſe ſuggeſtion, the which if it bee found, and returned to the Chancery, then the Keepers of the Libertie of England by the authority of the Parliament may grant a *Superſedeas* to the Sherife of that County, that hee remove not the ſaid Coroner from his office, and if hee bee removed before the *Superſedeas* come, then that he permit the Coroner removed to execute his office as he did before his removall, as it appeareth in Maſter *Fitzh. Nat. Bre.* in and by the writs *de Coron. elegendo, & de Electione viridariorum.*

But it ſhall be farre more commendable for him that is choſen a Coroner, that if he perceive any of the ſaid impediments to bee in himſelfe, that he then doe purchaſe a Writ to diſcharge himſelfe from the ſaid office, which Writ he ſhall finde in the Regiſter, fol. 177.

This Statute alſo willeth that no Coroner ſhall take any thing for doing of his office, &c. for this purpoſe, that he wholly may be at liberty to doe and execute Juſtice and Right, and therefore within twelve yeares after there was a Statute made to puniſh that corruption and extortion, which is called *Statutum Exoniæ*, made the fourteenth year of *E.* 1. which you ſhall finde in the book called *ſecunda pars veterum Statutorum*, by the which alſo it appeareth that a Coroner ought to take nothing for executing of his office, which I finde not altered by any Statute untill 3 *H.* 7. *cap.* 1. which giveth him in murder 13. ſ. 4. d. of the goods of the murderer, if he have any goods, but if he have none, then the Coroner is to have his Fee by amercing of the village for ſuffering the Murderer to eſcape, and if any particular perſon ſhall bee

found guilty of ſuch eſcape, the Coroner hath power to enquire thereof by the ſame Statute.

But I finde, *tit' Cor. in Fitz. fol.* 321. & 371. that a Coroner hath a Fee belonging to his office, *viz.* of every Viſne one penny, when they appeare before the Juſtices of Eyre.

But that Fee is not repugnant to the Statute of *Weſt.* 1. for he receiveth not the ſame to doe his office, but as a right due to him though that he executeth no part of his office, &c.

Alſo the Statute of 1 *H.*8. *cap.*7. prohibiteth a Coroner to take any thing for doing of his office, upon paine of 40. ſ. for every default.

And alſo upon like penalty, where he giveth not his attendance when he is ſent for and required to make Inquiſition upon the death of any dead corps, &c.

And ſince the Stat. of Weſtminſter the firſt, it was ordained and enacted by a Statute made *An'* 14. *Ed.*3. cap. 7. that no Coroner bee choſen if hee have not lands ſufficient in the ſame County wherewith he may anſwer all manner of people. This Statute is in the negative, and therefore the not ſatisfying of the ſame Statute, is good cauſe to remove him from his office, by the Writ before remembred, the which Writ declareth how he ſhall be ſaid to bee ſufficient, and in what ſort the ſame ſhall be examined, *viz.* if hee have lands in the county upon the which he may dwell agreeable to his degree, for the exerciſing of the ſame Office.

Alſo after by another Statute made *anno* 28 *Ed.*3. *cap.*6. it was enacted, That all Coroners of every County ſhould be choſen in the open Counties by the Freeholders of the ſaid county, of the moſt convenienteſt and moſt loyalſt people that may bee found in the ſaid Counties, to execute the ſaid Office: alwaies ſaving to the Keepers of the Liberty of England by authority of the Parliament, to the uſe of the Commonweaith, and other Lords their Seigniories and Franchiſes.

And note, that when a Coroner is choſen, he ſhall remaine Officer ſo long as he behave himſelfe well therein and

and is not changeable every year, as the Sheriſes and Eſcheators are, *qd vid. Hil'* 4 E. *fol.*44.

Alſo when he is elected, the Sheriſe of the ſame County, or his Underſheriſe, muſt give him his oath thus as followeth.

His Oath for the due execution of his Office.

YOu ſhall ſweare that you well & truely ſhall ſerve the commonwealth in the office of a Coroner, & as one of the Commonwealths Coroners of this County of *Southampton*, & therein you ſhall diligently & truely doe & accompliſh all and every thing and things appertaining to your Office, after the beſt of your cunning, wit, and power, both for the Commonwealths profit, and the good of the inhabitants within the ſaid County, taking ſuch fees as you ought to take by the Lawes and Statutes of this Weale publique, and not otherwiſe. So help you God, and the holy contents of this booke. And ſo let him kiſſe the book to affirm his Oath.

Firſt, when he hath notice to take the view of the body of any perſon ſlaine either with his will or againſt his will, hee muſt then make his precept to the Conſtables and Tythingmen of the Hundred where the party lyeth dead, to ſummon a Jury to appeare before him at a day and a place certaine, to enquire thereof upon a paine of 40.ſ. before remembred. And the form of his Precept is thus: *viz.*

By vertue of mine office, theſe are in the Keepers of the Liberty of *England* by the Authority of Parliament name, to will and require you immediately upon the receit hereof to ſummon and warne 24 able and ſufficient men to be and appeare before me at *A.* the 10. day of February next comming after the date hereof, or to morrow being Tueſday the 10 day of February at the Townhall there, if there be any, or at any other place certain, then and there to doe and execute ſuch things as on the Commonwealths behalfe ſhall be given them in charge, whereof faile you not, as you and every of you will an- *South.*

ſwer the contrary at your perils. Dated under my hand and ſeale this ninth of February, *ann' Dom.* 1638.

Per me Io. W. unum Coron. Reipub. com. prad'.

To the Conſtables and Tithingmen of the Hundred of *B.* in this behalfe, jointly and ſeverally greeting.

AND when he commeth to the place appointed, he muſt then call for the Conſtable and Tythingmen to whom hee did direct his warrant for their returne, and when he hath that, then he muſt cauſe one of them, or ſome other for them to make three proclamations or Oyes, and call the Jury thus: You good men which be returned to appeare here this preſent time, to enquire for the Keepers of the Liberty of *England* by authority of Parliament, anſwer to your names as you ſhall be called, every man at the firſt call, upon pain and perill that may fall thereon. This done, when you have a full Jury of 14. or 15. call the foreman to the Book, and ſweare him thus; You ſhall duly enquire, and true preſentment make of ſuch things as ſhall bee given you in charge, according to your evidence, ſo help you God, and the contents of that Book.

Then call the reſt of the Jury, and ſwear them by four at once, and ſwear them thus.

ALL ſuch Oath as *A. B.* your Foreman hath taken before you on his part, you and every one of you ſhall well and truely obſerve and keep on your parts, ſo God you help, and the contents of that book.

And when they are all thus ſworn, call them again, and let the Crier count them after you, and then bid them ſtand together and hear their charge.

Then begin your Charge thus.

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The Charge.

SIrs, you that be ſworne, you ſhall underſtand what the cauſe of our meeting is here now at this preſent, It is to inquire and preſent or find, how *A. B.* came to his death: for when any man, woman, or child doe come to to their death by any caſualty, or untimely meanes, then the Keepers of the Liberty of England by authority of Parliament have appointed Coroners in every County to inquire thereof by the oathes of men: And therefore by vertue of mine Office, I have cauſed you to bee called hither, and have impannelled and ſworne you to that purpoſe, to the end that the Keepers of the Liberty of England aforeſaid, and their immediate Officers may be truely certified how and by what meanes a member of this Common-wealth is loſt: Therefore now your charge is, to inquire how and by what meanes the ſaid *A. B.* came to his death, that a true record may be made thereof; If he was ſlaine in fight, then you muſt inquire by whom, when, and where, & in what manner, and with what weapon, as neere as you can, & what goods, chattells, lands or hereditaments the offender had at the time of the fact committed, or at any time ſithence, and whether hee bee fled for the ſame or no; For I muſt tell you, that Coroners have authority to enquire by their Office of all maner of homicids and ſlaughters of men, eſpecially above all other things, and that by the oathes of men *ſuper viſum Corporis*, and not otherwiſe: And theſe homicides and ſlaughters of men are of divers kinds or degrees, but they are all comprehended within two kinds, *viz.* ſpirituall homicide, and corporall homicide: the firſt is the ſlaughter and deſtruction of the ſoule, which is Gods part, if he dye in the faith of Chriſt: and the other is the ſlaughter of the body, which is the Commonwealths part, that muſt take his end by the due execution of Juſtice for the offence committed againſt the Law: and a corporall homicide is twofold, that is to ſay, *Lingua, & facto*, Tongue and Fact; *Lingua*, by the Tongue is three

fold, *viz.* in commanding, in giving of counſell, and in defending: *Facto*, by Fact, is foure fold, *viz.* in execution of Juſtice, Homicide willingly done, Homicide done by chance, and Homicide done by neceſſity: Homicide done by Juſtice, is when a man is juſtly condemned and executed for his offence: Homicide willingly done, is either murther, or at the leaſt manſlaughter: Homicide done by chance, is by ſome accidentall means, as where one is killed by caſting of a ſtone unawares, or ſhooting of an arrow, or ſuch like, and killeth one againſt the will or intent of him that caſteth or ſhooteth. And Homicide of neceſſity is when a man cannot chuſe but he muſt either kill or be killed, and that will be taken to be in his owne defence: then there is Homicide inevitable for the advancement of Juſtice; And that is where a Sherife or other officer by warrant purſues a Felon which will not obey or yeeld himſelf, but offereth violence, and ſo is killed in apprehending, or where a man killeth a theefe which would rob him: In theſe caſes he which committeth ſuch Homicide ſhall be acquitted, and neither loſe life, lands, or goods for the ſame. There are other Homicides which are no Felony, and that is where a mad man either kills himſelfe or any other perſon when he is mad, or where a child is killed in the mothers belly not *in rerum natura*, and that for two cauſes, *viz.* one becauſe it had not the name of Baptiſme, and the other becauſe it cannot be certainely known whether the mother killed it by ſome other meanes or no; but if an Infant of nine years old kill a man, woman, or child, if ſuch Infant then knew good from evill, it is felony in ſuch an Infant, and that will be well knowne and perceived by the anſwer of ſuch an Infant to ſuch queſtions as may be demanded of him: or here alſo if a man take upon him to be a Phyſitian or a Surgeon, and not allowed to uſe and practiſe ſuch faculty, if he take upon him a cure which dyeth under his hands by his ignorance, it is held to be Felonie in ſuch Phyſitian or Surgeon. Alſo if a man keep a dangerous beaſt, as a Bull, a Beare, a Dog, or ſuch like, he knowing

them

them to be dangerous, and yet doth not keep them tied, but wilfully ſuffereth ſuch beaſts to goe at large without a keeper, if ſuch beaſt kill a man, woman, or child, it is held to bee Felony in the owner of ſuch Beaſt: Alſo there is another kinde of Homicide, which is a kinde of Murder called *Felo de ſe*, and that is where one hangs, or kills, or drownes himſelfe for lack of grace: for as it is Murder and Felony for one man willingly and wilfully to kill another; ſo likewiſe it is murder and felony for a man to kill or drowne himſelfe willingly & wilfully, yet they are not both in one caſe and predicament; for the firſt doth forfeite by that fact both his lands, and his goods, and the other forfeites but goods and chattels, and no lands. There is alſo another kinde of Homicide, not done by man, but by caſuall means, and that is called Homicide by miſadventure or misfortune, by a Horſe, or a Cart, or a Bough of a tree, or ſuch like: and in this caſe, *omne quod movet cum eo quod occidit hominem deodand' eſt Reipublicæ*; every thing that moveth with that which kills a man is Deodan, unleſſe the Keepers of the Liberty of England by authority of Parliament have formerly granted the ſame away to ſome Lord of a Liberty, as is commonly done, then if it happen to be within ſuch liberty, it belongs to the Lord of the Liberty. But if any of theſe Homicides fall out to be wilfull Murder, which is a moſt bloody and a crying ſinne, and cannot be too ſeverely puniſhed, and therefore by the Law, the offender herein ought to loſe both life, lands, and goods, an eye for an eye, and a tooth for a tooth. And if Manſlaughter, if the offender can read well, then he may in favour of life, by the Keepers of the Liberty of England aforeſaid mercy, have the benefit of his Clergy, and ſo ſave his life, but he ſhall loſe and forfeite both his lands and goods, and yet the Law of God not therein ſatisfied: The goods muſt be found, appraiſed, and valued, of ſuch offendors, and left in the Townſhip or Village where ſuch offendor dwelleth, by them ſafely to be kept, until the offendor be acquitted or convicted by due courſe of Law; in

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the meane time the offender must be maintained with his goods, so as he may be kept alive to answer his fact, and what shall remaine when he is convicted, those to whom such goods doe belong by the Law must have them, and not before, and thereof discharge the Townshipp or Village which had the custody of such goods. And as for the offendors Free land, if he have any, immediately after conviction, the Keepers of the Liberty of England by authority of Parliament to the use of the Commonwealth must have *annum, diem, & vastum* therein, and after the Lord of whom it is holden shall have it as an Eschear. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end and trouble you no more at this time: and so you shall heare your evidence.

Then if the evidence be ready, they must be called and sworn thus.

THe evidence that you shall give to this enquest, shall be the truth, the whole truth, and nothing but the truth, so helpe you God, and the contents of this booke.

And if the evidence be not ready, then you must appoint the Jury a day and a place to come to you to receive their evidence, and lest they or any of them should faile to come to the plac at the time appointed, you may bind them by recognisance in x. li. or xx. li. a piece, and in the meane time you may send your Warrant for the witnesses to come before you to bee examined, and to deliver their knowledge concerning the matter in question, & be sure to take their examinations in writing under their hands, & if it be about the triall of any mans life, then you must bind over all the witnesses in xx. li. a piece at the least, to appeare at the next Assises then following, to deliver their knowledge therein *viva voce*, if they shalbe thereunto required.

The forme of which Recognisance is thus;

The

The third day of October, &c. the yeare, &c. James S. South. of B. in the County aforesaid, acknowledges himselfe to owe, &c. under condition, &c.

That if the said *I. S.* doe personally appeare before the Justices of Assise and Goale delivery, at the next Assises to be holden at the Castle of W. for the said County, and then and there deliver and set forth his knowledge touching the death of *A. B.* and doe not depart thence without licence of the said Court. That then this present Recognisance to be void and of none effect, or else the same to stand, remain, and continue in force, strength, and vertue.

Taken and acknowledged the third day of October in the yeare 1617. *aforesaid before me* J. W. *Gent. one of the Coroners of the county aforesaid.*

J. W.

Of wilfull Murther.

This office is the higheſt and greateſt offence that a Coroner is to meddle withall by his office, and it is defined by *Bracton* to bee secret killing of strangers and men knowne, none knowing or seeing it besides the murtherer and his aiders, so that no Hue-and-cry of the County presently follow, &c. And so you may see how that *Englechery*, that is, that he is English, &c. was presented in ancient time untill the fourteenth yeare of *E.* 3. At which time by a Statute made the 14. *Edward* 3. cap. 4. the presentment of *Englechery* was wholly abrogated and annulled, the letter of which Statute is thus, *viz.*

Item, for that there are many mischiefs happened in many countries in England, which knew not how to present *Englechery*, for which cause the Commons of the Counties oftentimes were before the Justices in Eyre amerced, to the great grievance of the people; It is therefore agreed that at no time hereafter any Justice of any

any Eyre shall put any article or opposition presenting *Englechery* to the Commons of the Counties, nor against any of them. But that for ever *Englechery* and the presentment thereof to be wholly omitted and made void; so that none for this cause be from henceforth impeached: By the words of this Statute it appeareth, that the presentment of *Englechery* was so divers by the divers customes of severall countries, that the countries knew not well how to satisfie the Justices in the presenting thereof, but for the undue presenting thereof, they were often amerced and sore grieved: And yet *Bracton* saith, Because in divers Countries *Englechery* is differently presented in every Eire, the custome of presenting it is to be inquired from the beginning. Also hee putteth there in his Booke many things which excuseth the Country by the Common Law from that amerciament or payment of lxvj. markes, for he saith in this manner, *That is weighed sometime, &c.* And that also was the common Law appeareth in *Britton fol.* 15. which agreeth throughout with that which *Bracton* hath here written, the which common Law is changed as I have said before by the said Statute made in the 14. yeare of *E.* 3. wherefore a man at this day may define murther in other manner than *Bracton* and *Britton* did, viz. It is murther when any man of malice prepenced killeth another felloniously, having no regard whether he kill him openly or secretly, or whether he be an Englishman or not, so that hee live in the Weale publique under the Parliaments protection, and Homicide that is done in such manner is called Murder at this day; for the name of Murder was not at any time changed, but the Law retained the same continually, for the hainousnes of the crime, to put a difference between homicide Chance-medley and Murder: And therefore if a man be indicted of Murder, at this day, a pardon of all Felonies will not helpe him, and that is by the Statute of 13 *R.* 2. *cap.* 1. the letter whereof you may see hereafter: And also the Stature of 1 *Edw.* 6. *cap.* 12. which inacteth, *videlicet.* Provided also, and be it enacted by the authority

authority aforeſaid, that all wilfull killing by poyſoning of any perſon or perſons that at any time hereafter ſhall be done, perpetrated or committed, ſhall be adjudged, taken, and deemed wilfull Murder of malice prepenced, and that the offendors therein, their ayders, abettors, procurers, and counſellers ſhall ſuffer death, and forfeite in every behalf, as in other caſes of wilfull murder of malice prepenced.

Of Manſlaughter.

Manſlaughter is where one killeth another having no malice prepenced ſo to doe, yet it is felony, and he ſhall loſe his lands and goods, and his life too, if he cannot read well, as is ſaid before in the charge: The which thing if a mad man doe, it is no felony in him, nor he ſhall not be arraigned for it, when he is of good memory, as it appeareth in *Fitzh. fol.* 33. and 21 *Hen.* 7. *tamen* in the Eyres of *Northampton* in 3 *E.* 3. It appeareth there, that he ſhould purchaſe his pardon of courſe: And with that agreeth 26. *li. aſſ.* And the ſame Law which ſerveth for a man lunatick, ſerveth for a man that is deafe, and dumbe, as yee may finde in the ſame Plea. And if one of the age of 12 years or more, kill another, that is Felony: the ſame Law is if he be but nine yeares old at the time of the killing; ſo that it may be perceived that he underſtandeth good from evill, as by his excuſe, or by any act done ſince the killing, *videlicet*, in hiding the dead corps in any ſecret place to the intent it ſhould not be found and knowne, Becauſe in ſuch caſe malice ſupplyes age. 3 *H.* 7. *& tit' coron'* 51. And there they reſpited execution of him to the intent they might procure his pardon. And *Bract.* ſaid in thoſe caſes of Lunaticks, & of the infant, one the want of judgement ſaves, the other the weakneſſe of fact excuſes.

And if a Surgeon or a Phyſitian allowed, have one in cure, which dyeth preſently after, or within a ſhort time after, that is no Felony, for that he did nothing felonioufly: but if he killed him with Phyſick or Surgery, it was done againſt his will, *quod vide titulo Coronæ* 163. *et Britton fol.* 14. *c. Contr.*

Alſo

Alſo if a man have a Bull, a Beare, or a Dog, which is accuſtomed to doe hurt, and his maſter or owner well knowing the ſame, yet doe not tie him but ſuffer him to goe at large, and being ſo at large, he killeth a man, this is held by *Fitzherbert*, 311. to bee Felony in the owner of the beaſt, by reaſon of the ſufferance, for thereby the owner ſeemeth to have a will to kill: And note that in ancient time, the will was ſo materiall, that the ſame was taken for the fact, *ut patet titulo* 1. E. 3. where one compaſſing the death of another, woundeth him ſo grievouſly that he leaveth him for dead, and afterward flyeth, and the man wounded reviveth: And yet notwithſtanding, it was then adjudged to be felony, inſomuch as the will appeareth to have killed him; the will ſhall bee taken for the deed. And with the ſame agreeth *Bracton*, who ſaith, In things ill done the will, not the end is looked upon, not materiall whether any man kills, or be the cauſe of death. But this Law is not now in force, for he muſt be dead indeed before it be adiudged Felony. And if a man hurt another with an intent to beate him, but not to kill him, yet notwithſtanding if he die of ſuch beating, it is felony in him that ſo did beate him, wherefore at this day a man may convert the text to *Bractons* opinion, and ſay, The end in things ill done, not the will alone is looked upon, as in the caſe next before, &c. *vide titulo memorato*, where for the malitious words of a woman 2. men fought, and the one killed the other, the woman in this caſe was arraigned of the death of him that was ſlain: The like caſe if three men goe together to make a diſſame, and one of theſe three doth kill a man, the other two in this caſe are taken to be principall Felons, and yet they did it not of any evill will, but onely came in one company together, *quod vide titulo Fitz.* 305. So that many caſes may be found, where the end is looked upon, not the will only, as before is ſaid; wherefore to conclude, wee may ſay, that the will, unleſſe the fact enſueth the ſame, maketh no offence at this day, but in treaſon given by Statute, &c.

It

It is a generall opinion, and commonly agreed upon, that if a man have judgement to be hanged, and commandement given to the Sherife to see execution done according to the judgement, if the Sherife after of his owne authority doe behead the prisoner which was appointed to be hanged, then this is felony in the Sherife, because the order of the Judgement is not observed, in putting the prisoner to death. The same Law is, if one that is not the Sherife will kill a prisoner as he is going to the gallowes to bee hanged, of his owne head, and authority, *quod vide* 35 *H.* 6. And for this Felony the wife of the prisoner may have an appeale against him that killed her husband: But *Scrope* is of opinion that it shall be otherwise, if hee that is killed bee attainted by outlawry, as it appeareth 2 E. 3. where he that is indicted alleadgeth, that he for whose death he is indicted was and is outlawed of Felony, *Scrope*, It may be that that outlawry is reversed, or that he had his charter of pardon, wherefore he must make search and send into the Chancery, to understand there if he had a charter of pardon, and in the meane time he shall be let to bayle till a certaine day that the truth be knowne; and he said further, that if he found that the outlawry was not reversed, nor that the prisoner had not any charter of pardon, that that then the def. shall not answer any further but bee discharged of the Indictment: Also it seemeth to bee lawfull for any to kill a man attainted in a *Præmunire*, because the Statute of 25 *Edw.* 3. *cap.* 21. *de provisionibus* willeth that a man doe against them, as against the enemies of the Weale publique without any Impeachment, &c.

A Sherifes Bailife, or any other Officer that hath warrant to arrest any man that is indicted for Felony, may justifie the killing of him, if he will not suffer himselfe to be arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case the Officer shall be discharged without suing forth of his pardon of course, *ut patet* 22. *lib. Ass.*

Of homicide done by necessity inevitable justifiable.

Ass. & 22. E. 3. where *Thorpe* saith, that any man may take and arrest a theefe, and if hee will not yeeld, but stand in defence of himselfe, or else flye, in such case he may kill him without blame, *ergo* he that hath no warrant as well as he that hath a warrant, by this authority may kill and justifie. And there he reciteth, that where a Gaoler came to the Gaole with a Lanthorn in his hand, to see his prisoners, which had broken their Irons, and standing all ready to have killed him, they beate him, and wounded him very sore, but killed him not: and he having a hatcher in his hand, therewith he killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adjudged by all the Councell, that the Gaoler had done well, &c. And therefore note ye, as a man may justifie the killing of a man before an arrest, even so he may justifie the same after an arrest, so that the same doe arise upon an inevitable necessity, as before is said. And therefore one is arrested of Felony, and as he is carying to the Gaol he maketh debate and flyeth, and the other in such sort pursueth him, that he cannot take him againe without killing of him: this manner of killing is justifiable, *qd' vide 3. E. 3.* &c. And the case is there, That a man did fly to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him, and killed him, for that he would not yeeld himself, and it was allowed as well done, *tamen in eodem tituto 3. Ed 3. Lowth* doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof; and nothing like the case where one is pursued upon a robbery done, and the theefe killed. But by the book aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is needfull, *sed vide ibid. fol.* 344. that in that case it is finable, and a fine of xl.s. was payd for the same, *sed quær.* whether the same was for the killing, or for the escape. And note, that if hee which killeth another by reason of any matter inevitable *ut supra* to be found be-

fore

fore him by reason of any jurisdiction that hee hath to inquire of Felonies, he shall not be discharged upon such indictment found, untill such time as he be arraigned upon the same, and the matter also found by verdict, *ut patet ejusdem titulo*, for that hee himselfe was Judge thereof. Otherwise it is if the finding of the same be before other Commissioners, *vide le Statute de malefactoribus in parcis*, made the one and twentieth year of *Ed.* 1. which giveth power to Forresters, Parkers, and Warrenners to kill the offendors if they will not bee justified, &c.

Homicide in a defending of a mans house and his goods against theeves, lawful and justifiable for the urgent necessity therof.

As for example: Many doe come to burne my house, my selfe beeing within the same, and they compasse about the house, but they burne it not; and I shoot out of the same house and kill one of them, this is not felony, *ut patet 26. lib. Ass.* The same law is if they come to my house and rob me, and my boy or my man that is with me in my house killeth one of them, *quod vide in Fitzh. titulo Coron' 3 E. 3. per Lowth & ibidem p.* 505. where it was presented that a man had killed another in his owne house defending himself, and it was demanded of those that made the presentment, if he that was so slaine did come to robbe him, for in that case one man might kill another, though that it be not in defence of himselfe, &c. And in all such like cases a man shall goe quit without any forfeiture, or without expecting any pardon, in that my house is unto me as my Castle, out of which the Law will not constraine me to flye, &c. The same Law is, if one come unto me when I am out of my house, and will robbe me, wherefore I kill him: for in *26. lib. Ass.* the case was that a theefe assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed, that the man should be discharged and quit without pardon. And note well this latter booke, for that maketh expresse mention that he shall goe quit without pardon; but the other bookes speake nothing neither of pardon, nor yet of the forfeiture; wherefore it may be doubtfull to some, whether he shall forfeit his goods, and whether it shall be needfull

to have a pardon or not, and therefore to take away all doubts, a Statute was made *Ann' 24. H.* 8. the letter whereof is this, Forasmuch as it hath been in question and ambiguity, that if any evill disposed person or persons doe attempt feloniously to robbe or murder: and so see the Statute at large, that it is lawfull to kill him.

How necessity shal be interpreted in Homicide in defence of ones self

Note, that the necessity ought to bee so great, that it ought to be esteemed not avoydable, or otherwise hee shall not be excused, for in this case ye have not to doe with, as in the case before, but with a just man. And whether the person that is so killed, or the person that doth kill, doth beginne the affray, it is not materiall, but the whole matter consisteth in the necessity inevitable, without which the killing by any means is not excusable: wherfore to make a definition of Homicide done in a mans owne defence, we must say, that properly it is when *A.* doth make an affray upon *B.* and hurteth him, and *A.* flyeth as much as he can for safeguard of his life, so that hee is come to a strait, beyond the which he cannot flye, and *A.* continueth, whereby *B* hurteth and killeth him: this is called Homicide in a mans own defence. For if *B.* might have avoyded the same and did not, but when *A.* had hurt him, he then had hurt *A.* againe even to death, then was it manslaughter, and so felony in *B. ut patet in Fitzh.* 226. But when *A.* hurteth *B. B.* hurteth him again but not deadly, and afterward *B* flyeth, *ut supra*, and *A.* pursueth him till that he commeth into a straite *ut supra*, and then *B.* doth kill him, that is not felony, but in his owne defence. And so yee may note, that although *B.* gave to *A.* divers wounds, that is not materiall, because he flyeth from him as much as he can before he gives to *A.* the deadly wound. And that yee may see *in les Eyres* of *North. &c.* 3 *E.* 3. And *Bracton* hath a case for the confirmation of this Law, Of Law it is, that what a man does for the safety of his body, he shall be esteemed to doe justly. And note, that it appeareth before in 43. *li. ass.* before noted. And it is not a sufficient verdict to say that the

the prisoner killed another in his owne defence, but they ought to shew the matter, especially in what manner it was done. And although it be specially found upon the indictment, yet notwithstanding he shall not thereby be discharged untill he have purchased a charter of pardon for the same, the which is a confession by amplification of the indictment, or else otherwise wholly to estrange himselfe from the fact, and to plead not guilty, and so to be found. And this is so done to the intent to induce the forfeiture of his goods, being forfeite by the same offence, *ut patet* 4 *H.* 7. And where the Statute of *Glouceſt. cap.* 9. saith, that he ought to put himselfe upon an Enquest for good and evill, that it is to be understood when he is indicted of Murder, or Homicide, and not where in the indictment the speciall matter is found; for to such an indictment of Murder or Homicide, it ought to be pleaded not guilty; for to plead the speciall matter, *viz.* that he killed him in his own defence, it is no plea, in that it should be as a justification; whereas such kinde of Homicide is not in any manner justifiable, wherefore he ought to plead not guilty, and then that speciall matter found by verdict shall give him advantage, &c. Contrariwise it is in Trespasse, for there the party shall not take advantage of a justification found by verdict, if it bee not pleaded by the party. And so note, that he shall not be discharged of this speciall matter, till such time as he hath purchased his pardon, or else be acquitted thereof by verdict: and then his discharge shall be in this manner, *viz.* if he require to purchase his pardon, hee shall first bee letten to Mainprise, and then he shall sue forth his Writ of *Certiorari* directed to the Judges of Assise, before whom the indictment lyeth, to certifie the Record to the Lords Commissioners of the great Seale of *England*, who will make him a Charter of pardon, in such a case of course. And for these matters *vide tit.* 44 *Ed.* 3. 15. *E.* 3. 15. *&* 3 *E.* 3. where it is said, that when a man is acquitted before the Judges of Assise, of the death of a man in his owne de-

fence, he ſhall have a Writ from the chiefe Juſtice, within which ſhall be contained the whole Record of his acquitall, to the Commiſſioners, who will make his Charter of pardon. And note ye before, that in the Eyres of *Northampton* the Jury did finde that he fled for the Felony, for which cauſe he ſhall forfeite his goods, *quaſi diceret*, that he ſhould not forfeite his goods unleſſe ſuch a flying away had been found; but the Law is not ſo as it appeareth 44. *&* 15. *Ed.* 3. *&* 1 *H.* 7. before noted, wherefore we are to think, that the inquiry of a flying was ſurpluſage and voyd, &c And conſider well the words of the Statute of *Glouceſter*, which be theſe; It is ordered and agreed, that hereafter no Writ ſhall iſſue out of the Chancery to enquire for the death of a man, if a man hath killed another by miſadventure, or in his owne defence; or in any other manner without Felony, but hee ſhall be impriſoned untill the comming of the Juſtices of Gaole-delivery, if he cannot finde pledges for his appearance before them, and then he ſhall put himſelfe to his tryall by the country *de bono & malo*. And if it be found by the country that he did the ſame in his own defence, or by miſadventure, then the Juſtices of Aſſ. are to certifie the Keepers of the Liberty of England by authority of Parliament thereof into the Chancery, and from thence he ſhall have his pardon of grace. This Statute maketh mention of Juſtices errant, and of Juſtices of Gaole-delivery: wherefore it ſeemeth that if any be indicted before them, that he killed one in his own defence, that that Indictment is as good as if the ſame had been found before the Coroner, upon the view of the dead body, otherwiſe it is if ſuch Indictment be found before Juſtices of P. for that they have not any authority to to take any ſuch indictment. And note, that it appeareth 44. *E.* 3. before cited, that there is one caſe where one ſhall be killed by Chancemedly, and yet he that killeth him ſhall not forfeite any thing; As if *A.* ſtriketh *B.* to the ground, and thereupon *A.* draweth his knife to kill *B.* and *B.* lying upon the ground draweth his owne knife,

knife, and *A.* is ſo haſty to kill *B.* that he choppeth himſelfe upon the knife which *B.* had in his hand, and ſo *A.* was ſlaine. And it was adjudged in this caſe, that the ſayd *B.* was not culpable of the death of *A.* nor ſhall forfeite his goods, becauſe *A.* in a manner killed himſelfe, &c. And as it is in the *Eyres* of North. before *pag.* 286. and 297. there is a caſe not much unlike to this caſe, which hath a contrary judgement, and yet if collation between them be made, ye ſhall finde that they are not both alike, for there he did not lie upon the ground, but ſtood upon his feet, inſomuch that hee might have made other defence for the ſaving of his life then the other could that did lye upon the ground. And the caſe there was this, viz. *A.* did ſtrike *B.* and *B* did flye till that hee came to a ſtraite, as it is aforeſaid, and then *B* perceiving that *A.* would kill him, did hold a pitchforke between him and *A.* and *A.* was ſo fierce that hee ranne upon the pitchforke, and ſo was ſlaine; and yet notwithſtanding this matter, *B.* was put to purchaſe his pardon of courſe, and beſides forfeited his goods, &c.

Homicide by miſadventure or misfortune

And that is, if a man without any evill intent caſt a ſtone or ſhoote an arrow whereby one is hurt unawares and ſlaine, going to the market or about any other neceſſary and lawfull buſineſſe, this manner of killing is Homicide by miſadventure, for the which the offendor ſhall have his pardon of courſe in the like ſort as before in the caſe where a man ſhall have it for killing of a man in his owne defence. And that is by the ſaid Statute of *Gloc. ut patet* 3. *E.* 3. and he ſhall forfeit his goods, as before in the caſe of killing a man in his own defence, *vide* the Statute of *Marlebridge cap.* 15. that ſaith, Misfortune hereafter before the Juſtices ſhall not be adjudged Murder, Murder is to bee taken onely of thoſe that are killed by Felony. By which Statute it appeareth, that miſadventure by the Common Law was adjudged for Murder; But that ought to be with a diſtinction which *Bracton* hereafter hath made, That is to ſay, where one

hath done a thing lawfull and where not, for if hee have done an unlawfull thing, and if any misadventure doe thereof insue, whereby any one is slaine, that is Felony at this day, if it be not Murder; And therefore if *A.* strike *B.* and *C.* comes betweene them to part them, and is deadly wounded by the said *A.* or *B.* without any evill intent, yet notwithstanding if *C.* upon that hurt do dye within a yeare and a day next after such hurt given, it is Felony in him which hurt *C.* and not a misadventure, for that the fact which *A.* and *B.* did was unlawfull, *ut pat' tit' Coron' 22. libr. Ass.* And if *A.* and *B.* did intend one to kill the other, then it is Felony in them both, *ut pat. 22. Ed. 3.* And note that the same order is to bee observed in pleading the verdict, forfeiture, and pardon of one that killeth any by misadventure as is aforesaid, to bee of one that killeth another in his owne defence, and the said Statute of *Gloc.* extendeth as well to the one as to the other.

Homicide called Felo de se.

Bracton defineth *felo de se* in this manner. *viz.* in the same manner that a man may commit Felony by killing another, may he commit Felony by killing himselfe, if any man taken for some crime done, *viz.* for the death of man, manifest theft, because he is outlawed or any other wickednesse, and fearing the punishment over him, shall kill himselfe, he commits Felony of himselfe; he shall have no heire, he has convinced himselfe of the Felony before done, *viz.* theft, death of a man, or such like, and the feare of Conscience in the guilty is as much as the confession; Agreeing to *Bracton*, yee shall see the book *titul' Coron'* in *Fitz.* 259. where a Felon of himselfe shall forfeite his lands, but whether he had before he killed himselfe committed Felony or not appeareth not by the booke, *Ideo quær.* if this distinction that *Bracton* hath made be Law at this day, for it appeareth in divers other bookes, that a *felo de se* shall forfeite his goods onely, and no lands, as *pag.* 301. 362. 420. *tit' jam dicto*, and there also it appeareth, *pag.* 324. That if one that is Franticke from day to day doe kill himselfe, that such

ſuch a man ſhall forfeite no goods or chattels, but otherwiſe it is if he be not franticke from day to day, but onely at ſome times. Alſo there *pag.* 244. was preſented, A certaine Lunaticke ſtruck himſelfe with his knife, recovered his wits, after the Church Rites performed to him, dyed of his wound, his chattels were not forfeited. The contrary whereof you ſhall finde *pag.* 142. But the Law is cleare, that if a man which is of good memory, committeth the ſame fact in ſuch manner and afterward recovereth, and yet notwithſtanding dyeth of the ſame plague that he gave to himſelfe, he in that caſe ſhall forfeite his goods, *vide ibid.* the caſe *pag.* 94. that was before remembred, That is to ſay, where A. ſtriketh B. to the ground, and thereupon A. plucketh out his knife to kill B. and B. lying upon the ground plucketh out his knife, and A. is ſo haſty to kill B. that he choppeth himſelfe upon the knife of B. and ſo is ſlain, in this caſe A. is a Felon of himſelfe, and that caſe agreeth with *Bracton* heretofore.

Homicide not committed by man, but by ſome caſualty wherof cometh Deodans.

Deodand. eſt where any perſon commeth to his death by miſadventure of any thing that ſhall fall upon him, or by miſadventure of a fall that hee taketh from a Cart or a horſe, or any other thing, the ſame not being occaſioned by any other perſon, the thing that ſo occaſioned the death ſhall be forfeited, and taken as a *Deodand.* to be diſtributed in almes, for the benefit of the ſoule of the dead perſon; And note that it is not materiall whether the thing that killeth him be moving at the time that he was killed or not, for although that it bee not moving, yet notwithſtanding it ſhall bee called a *Deodand.* as well as that which was there moving, as it ſhall be hereafter expreſſed; And therefore when you ſpeak of a thing moving, that it is only to this intent, *viz.* That all things moving with the thing that is the occaſion of the death, ſhall be forfeited, as well for a *Deodand.* as the principall thing, *quod vide tit. Fitz.* 403. where it is ſayd, that every thing which moves, with that which kils a man, is a *Deodand* to the King, or to the ſee of the

Clerke; and therefore yee ſhall finde *ibid. pag.* 398. where a man did cut downe a tree, the which did fall upon the bough of another tree, which bough did fall upon a man and killed him, and was adjudged that as well the tree as the bough ſhould be a *Deodand.* And the ſame Law is, where a man doth ride upon a Cart, and the Cart falleth upon him and killeth him, here as well the Horſes which drew the Cart, as the Cart it ſelf, ſhall be *Deodans, ut pat. ibid. pag.* 388. and yee ſhall finde, *pag.* 397. That a man being upon a cart loaden with fagots, and binding it, fell with the motion of one horſe in the cart by the which he dyed, and the horſes and the cart were adjudged for *Deodans.* Alſo *pag.* 405. A beame on which did hang a bell, did fall upon a man and killed him, the bell as well as the beame were adjudged for *Deodans,* notwithſtanding they were goods of the Church, but of grace, and out of honour to the Church, the chiefe Juſtice gave them back. *Et pag.* 326. A man falleth out of a cart loaded with hay, and the wheele of the cart doth breake his legs, whereof he dyeth, and the hay was adjudged to be a *Deodand* as well as the cart, *tamen pag.* 342. A man falleth out of a cart, and breaketh his neck, as hee was loading of it with ſtraw, by the moving of the horſe, the horſe and cart were all adjudged *Deodans,* and not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death, *quære differentiam, &c. Et pag.* 401. One riding his horſe drownes himſelfe, the horſe is adjudged a *Deodan,* &c. Hitherto we have ſpoken of things moving which doe cauſe *Deodans*; Now let us ſpeake of things not moving, and yet ſhall be *Deodans. Vide titulo jam dicto pag.* 409. Where a Carter clyming upon one of the wheels of his cart to gather plums, and falleth from the cart whereby he dyeth, and becauſe it is witneſſed that neither the horſes nor the cart moved, onely the wheele is a *Deodand.* The ſame Law is where a man doth fall into a pond of water, which water carrieth him under the utter wheele of a Mill, by which wheele hee was oppreſſed and

and killed, and the wheele onely in this caſe was adjudged a *Deodand*, *ut patet ibidem pag.* 389. *Vide ibidem pag.* 348. where it is ſayd, if a man fall from a loade which is worth a C. pound, by the which he receiveth his death, all the ſame ſhall be a *Deodand*. And alſo it appeareth by theſe caſes, that *Deodans* ſhall be as well of things that move under a man and kill him, as of things which doe not move, but the man all moveth himſelfe from them. And note, that before it is ſayd, that all things moving with the thing that is the occaſion of the death, ſhall be forfeited. So in like manner, all things not moving with the thing which is the occaſion of the death ſhall not be forfeited, as in part you may perceive by the caſe of the cart and the ſtraw before cited, *Et titulo Forfeitures in Fitzh.* 12 *R.* 2. wherein a maſſe of earth fell upon a man and oppreſſed him in ſuch ſort that he dyed, and it was adjudged that the ſayd *maſſa terræ* onely ſhould be forfeited, and not the hole or pit where he was killed. The ſame Law is where a man falleth from his horſe, and quaſheth his head againſt a block, whereof he dyeth, the horſe onely ſhall be adjudged for a *Deodand*, and not the block, in that it moved not at all, *quod vide ibidem pag.* 341. And alſo *Briton titulo Coron' fol.* 6. ſaith, That if a man fall out of a Ship ſayling, nothing is the occaſion of his death but onely the Ship, and yet the things moving may bee ſayd to be the cauſes of his death, the merchandiſe lying at the bottome is not any cauſe of his death. This Ship ſo ſayling ought to bee upon the freſh water, *&c.* for if it ſhould be on the ſalt water, it ſeemeth that it ſhould not bee a *Deodand*, as it appeareth by *Bracton titulo Murder*, who ſaith there in this manner, *A Ship is not a Deodand, nor a boate, nor other chattels of the drowned in the Sea or ſalt-water, nor ſhall there be wreck, if there be any man who can avow them, and make proofe.* *Et nota*, that it ſeemeth to one by the bookes before *pag.* 389. That if hee dye by miſadventure, and be within the age of 14. yeares, that then nothing ſhall be forfeite for a *Deodand*,

for

for there presentment was that *A. the sonne of B. above an. &c. tamen quære & vide Fitz. titulo de Indictments pag.* 27. That where a man was found dead in the field, *Belknap* said that his appeale should bee given to the Church to pray for his soule, and should not bee taken for a *Deodand*, and note that every *Deodand* the Sheriffe shall answer, *viz.* he shall be charged to levy the price thereof of the village, notwithstanding the thing was not delivered to them to keep before, *quod mirũ ut patet ibid. pag.* 298. And therefore when such a misadventure is found, the presenters should fine, appraise, and value the *Deodand*, and the Coroner should returne the same in his Inquisition, and in whose custody the same remaines, so then the Keepers of the Liberty of Englane by authority of Parliament may know by that Record of whom to demand it by Processe out of the Capitall office of the upper Bench.

It it requisite that the thing that is killed be in *rerum natura*; And therefore if a man doe kill an infant in the mothers belly, that is not felony, nor he shall not forfeit any thing for it, and that for two causes; one is, for that the thing that is killed had not the name of baptisme, the other is, for that it is hard and difficult to judge whether he killed it or no: That is to say, whether the infant dyed of the beating of the mother, or by any other occasion, *ut patet titulo Corone, &c. pag.* 263. *& vid'* there *pag.* 146. A more strange case, *viz.* A man did beate a woman great with child of two children, so that immediately one of the infants dyed, and the other was borne alive and baptised by a name, and two dayes after, for the hurt that she had received she dyed; the opinion was as before, that it was not felony in the man, *& vide* the same case in *Fitz. titulo Indictments. pag.* 4 But it seemeth that the reason where it hath no name of baptisme, is not of any force, for ye may see *titulo Corone* before *pag.* 418. that it was presented, A certaine woman going toward the Chappel, brought forth a son, and presently cut his throate and cast him into the pond and fled, therefore

let

let the exigent iſſue againſt her, and let her be outlawed, for that was homicide, in that the thing killed was in *rerum natura* before it was killed, and ſo nothing like the caſe before, *ſcilicet*, where the infant was killed in the mothers belly, &c. the which caſe *Bracton* affirmeth for Law, in his diviſion of homicide before, ſaying in this manner, *If any man ſtrikes a woman with child, or poyſons her, by which he makes abortion, the birth ſhaped and animated, eſpecially if animated, it is homicide*; but contrary to this ſeemeth the Law as before.

Item, it is requiſite to homicide, that if one beate another whereof he dyeth, that that death be within twelve moneths and a day next enſuing the ſame beating, *ut patet pag.* 303. The ſame Law is, if poyſon be given to one felonioufly that he dye within the yeare next after, &c.

It is a common erudition amongſt us, That if a Statute Law give a remedy for any offence, we may underſtand thereby, that before there was no remedy for the ſame offence at the Common Law, other then is not expreſſed in the ſaid Stat. except we have read any thing that may induce us to beleeve the contrary. The Statute of Weſtminſter the firſt, *cap.* 13. defendeth Rape in this manner, *viz.* The keepers of the Liberty of England by authority of Parliament defendeth that none ſhall raviſh nor take by force a maide within the age of eleven yeares with her conſent, or without her conſent, nor any dame or maide of age, nor other woman againſt their wils, and if any ſo doe, the Keepers of the Liberty of Engl. aforeſaid ſhall doe him common right, and if none commence the ſuit within 40. dayes, then the Keepers of the Liberty of England may ſue, and thoſe that ſhall be found culpable ſhall have two yeares impriſonment, and afterwards ſhall be arraigned at the Keepers of the Liberty of England aforeſaid pleaſure, & if he be not araigned, he ſhal be puniſhed by more longer impriſonment, according to the quality of the treſpaſſe. The Readers of this Stat. if they have not read *Glanvill* & *Bracton* do think that by the common Law Law Rape was but treſpaſs, where in truth it was felony, or other more grievous crime, & firſt *Bracton* in his 2. book

book of Rape ſaith in this manner, *Rape of Virgins is a certaine crime which a woman layes upon any, by whom ſhe ſhe ſayes ſhe was violently oppreſſed againſt the peace, and which offence if it bee convicted, puniſhment followes, to wit, loſſe of Members, that there may be member for member, when the Virgin is deflowred ſhe looſes a member, hee that deflowred her ſhall be puniſhed in the part offending.* Here I have expounded that which was the common Law in Rape before the Statute of Weſtm. 1. wherewith *Glanvill* agreeth, *fol.* 113. Alſo I finde amongſt the Lawes of *St. Edwin*, once King of this weale publique, this Law, *If any man has to doe with a Nunne, let him bee puniſhed as a Homicide.* By the which it appeareth, that he which hath committed but fornication with a Nun, or with a holy woman, he ſhould be puniſhed as a Homicide, *A multo fortiori*, then ſhould he be puniſhed if hee had raviſhed. So that Rape at the beginning was much deteſted, and abhorred, and very great and greivous puniſhment adjoyned thereunto, till the time of King *Edward* 1. who ſeemeth by his law made at Weſtm. 1. to have mitigated the paine of the ſame, and afterward eſpying the great enormities that enſued the ſame Law; At his next Parliament holden at Weſtminſter, called *Weſtm.* 2. *cap.* 34. did make the ſame offence of Rape to be felony: The words of which Statute be theſe; It is enacted, that if a man doth raviſh a woman eſpouſed, a damoſell, or any other woman hereafter, whereunto ſhe neither hath aſſented before nor after, he ſhall have judgement of life and members. And in like manner, where a man ſhall raviſh a woman, dame eſpouſed, damoſell, or any other woman by force, although ſhe aſſent to the ſame afterwards, hee ſhall have the like judgement as before is ſaid, ſo that he be attainted at the Keepers of the Liberty of England by Authority of Parliament ſuit, and in that caſe the keepers of the Liberty of England aforeſaid ſhall have their ſuite.

The Statute maketh no definition of rape, but leaveth the ſame to the common Law. Alſo it ſeemeth to make a difference between raviſhment with force, and raviſhment

ment without force, And therefore *quære* what manner of fact he intendeth, *Britton* saith, *fol.* 45. that if a woman at the time of the Rape conceiveth with childe by the Raviſher, that it is no Rape, for that, that no woman can conceive if ſhe aſſent not thereunto. Alſo *Bracton* ſaith, That it is a good plea in an Appeale of Rape, to ſay, that before the time of the Raviſhment ſuppoſed to be done, he held and uſed the Plaintife as his Concubine; Alſo it is a good Plea for him to ſay, that though he did lye with her, yet he knew her not carnally, for that is the force of a declaration in an Appeale of Rape. And alſo note, that if a man bee to bee charged with Rape by way of Indictment, or otherwiſe, he ought to bee charged expreſly by this word *Rapuit*, and not by any other words, though they amount to as much as this word *Rapuit* doth, *ut puta carnaliter cognovit & hujuſmodi*, as it appeareth 19. *E.* 4. *fol.* 27. Alſo there is another Statute concerning Rape, made *an°* 6. *E.* 2. the which doth put great penalties and forfeitures upon the woman which conſenteth to the Raviſher after the Raviſhment, and yet nevertheleſſe doth give an Appeale of Rape to the Husband of the wife that is raviſhed, and if ſhe have no husband, then to her father or to her next of her blood, and that the def. ſhall not gage battell in ſuch appeales.

Bracton ſaith of Treaſure found in this manner, *There is amongſt the reſt a grievous Miſpriſion againſt the K. which is as the crime of Theft, ſc. fraudulent hiding of Treaſure, &c.* Note that *Bracton* ſaith here, that the hiding of Treaſure found is *gravis preſumptio*; So that it ſeemeth, that in ancient time it was doubtfull whether it was Felony or not. And therefore it is ſayd, *tit. Coron.* in *Fitz.* 187. that the puniſhment of treaſure found is taken away, and is now by impriſonment and fine, and not of life and members, &c. *Of treaſure trove.*

Et ibidem eodem titulo pag. 446. *It appeares Treaſure belongs not to the King, but when it is not knowne who hid it.* So that if it be knowne to whom the property

is,

is, then the Commonwealth shall not have it, but hee to whom the property thereof belongeth, and it seemeth that if hee dye before the finding, that his Executor shall have the same. And see there, *that Treasure belongs to the King, not to the Lord of the Liberty, if not by words speciall, or by prescription.* Briton in his booke *fol. 26.* saith, that treasure found in the sea, or upon the land, and not in the earth, appertaineth to the finder, and not to the Commonweal'th, &c. Also he saith, that when a man hath found it, hee ought presently to let the Coroner or Coroners of that County understand thereof, or else the Bailife and the Coroner without delay ought to enquire if any thing thereof be purloyned away.

Of a Mayhem. Note, that Britton saith, that Mayhem is properly sayd where any member of a man is taken away, whereby he is the more unable to fight, as if the eye, the hand, the foot, or by bruising of the head, or knocking out of the foreteeth, but cutting off the eare or nose is no Mayhem but a blemish of the body. *Seton* Justice said 29. *E.* 3. that every finger of the hand shall be sayd to be a Mayhem, if it be cut off.

Item 8. H. 4. ye may see there that it is no Mayhem to cut off, the eare of a man, by the which he loseth his hearing, but the knocking out of the teeth is a Mayhem, for that with them he may defend himselfe in battell. And *Bracton* agreeth therewith, for he saith in this manner, *Mayhem may be sayd where one is maymed in any part of his body to fight, by him whom he appeales.*

Note that these places and territories here expressed and declared, are allowed for Sanctuaryes for Felons, if they can get to them before they be taken, *viz. Wells* in the County of *Somerset*, *Westminster*, *Manchester*, *Northampton*, *Norwich*, *Yorke*, *Darby*, and *Launceston*, for all such Felons as may have the benefit of their Clergy by the Laws of this Weale publique, & for none else; For Treasons, Rapes, Burglaries, Robberies by the high way, or in a house where any are put in feare: burning

of

of houſes or barnes wherein corne is layd: robberies of Churches, Chappels, or other hallowed places: ſtealing of Horſes, or Mares, and Murder, with their abbettors, procurers, and counſellors: All theſe offences are excepted by the Statute of 26 *H.* 8. *cap.* 13. *&* 32. *cap.* 11. *H.* 6.

Note, that in high Treaſon there is no acceſſary, but all are principals *ut par.* 3 *H.* 7 *fol.* 9. So that what offence ſoever maketh a man acceſſary in Felony, the ſame offence in high Treaſon maketh him principall, therefore it is to be ſeen who ſhall be acceſſaries in petty Treaſon, or Felony, or in other like crimes, in which acceſſaries may be. *Of principall and acceſſarie.*

Note, that if one procure or command another to do a Felony, but is not preſent there when the other doth the ſame: This procurer or commander is but Acceſſary before the Felony done, *ut patet* 7 *H.* 4 *fol.* 30. but otherwiſe it is if he be preſent at the time and place, when and where the Felony is committed, for in that caſe he is a principall, *ut par.* 7 *H.* 4 *f.* 13. *Of acceſſaries before the offence committed.*

The ſame Law is, if a man bee preſent at the death of a man, and hee moveth and ſetteth on others to wound him and kill him, in this caſe hee is as farre forth a principall as he that killed him, *quod vide* 13. *H.* 7.

The ſame Law is, if hee were preſent, and commeth thither for the ſame purpoſe, though that at the ſame time he moveth not the other to ſtrike him, or kill him, nor doth any thing himſelfe, yet he ſhall be adiudged as a principall, *ut par.* 21. *Ed.* 4. Alſo *vide tit. Coron. in Fitz. fol.* 309. where it was found that one that was preſent, yet did nothing, but would have ayded his companion, if the dead perſon had made any reſiſtance, and for that hee was adjudged a principall. And according to this *vide ibidem pag.* 314. 350. & 433. That all thoſe that come in company in any place, or any aſſembly where any evill is done, bee it homicide, robbery, or any other treſpaſſe, they ſhall all bee accounted as princi-

principall doers, though that they doe no hurt at all. And therfore a man was condemned in that he was a disseisor where a man was killed, and it was said by twelve that he came not thither to doe any evill. And note, that as it was of homicide, or murder, even so it is of any other felony, as of rape or robbery, *quod vide titulo Coron' in Fitzh.* 228. *&* 11 *H.* 4. where in an appeale of Rape against two as principalls, whereas one did not the act, but assisted and ayded his companion to doe the same, *& titulo Coron' in Fitzh. fol.* 350. *&* 324. where onely one did the robbery, and the other were in his company, and came with him for the same purpose, &c. But if one doe chance to be present when another is slaine, or when another felony is committed, and commeth not in the Company of the felons, nor is of their confederacy, although he withstand not, or disturbeth not the felon, nor levyeth hue and cry, yet hee shall not be said either principall or accessary: for it is not felony in him but finable as a trespasse. And if such a man bee within age, he shall have no punishment, *quod vide titulo Coron'* 395 *&* 14. *H.* 7. *f.* 23. *& vide titulo præl.* 293. where such a man that was of full age, was but amerced in such a case, &c. *Tamen* 314. *ibid,* it appeareth that such sufferance is felony, & so was the opinion of *Shard* 197. but it is against the law, as it appeareth in the books before cited, &c.

Also if *A.* hold *B.* in his armes till such time as *C.* killeth him. *A.* for that cause is principall *ut pat.* 15. *E.* 3. And note ye, that the law at this day as concerning accessaries, is as you have heard before, though that in ancient time some judges did varie in their opinions for Law, in that point: for it appeareth, *tit. Corone in Fitz.* 90. 216. That in the 40. yeare of *Edward* the third, they tooke the Law to be, That he that was present when any was slaine, and aiding and commanding the Killer, should not be principall, but accessary, &c. and in that they did agree with *Bracton*, who saith in this manner, viz. *If those that were present joyned in the force and fact,* &c. And after the attainder of the principall fact, he goeth to those

that

that be appealed of force, and maketh the appeale in this manner, viz. *A. appeales B. of force, that when the said A. and C. his brother were in such a place, &c.* Also hee saith in another place. That if two bee appealed as Accessories to a third person, *scilicet*, one of force, and the other of commandement, they shall wage battell, before he shall that is appealed of commandement, *force in a manner comprehends the fact which commands not.* And so by him that is present when one is killed, and being counselling, aiding, or in any other manner assisting, so that he slayeth him not himselfe, he is then but accessory, &c. And with him agreeth the Statutes called *Officium Coron'*, made the third year of King *Ed.* the first at *West.* 2. but the Law is not so at this day; and yet the account in every appeale against the principall is, that every one principally did helpe, and did strike the parry slaine, deadly; but to that may be said, That those words bee but words of forme, and also it is his helpe in Law, &c. If I command one to take another, and he goeth from me, and taketh him and robbeth him: If I be absent when he doth the same, that is not felony in me, *ut pate tit. Coron' in Fitzh.* for that he exceedeth my commandement, and my commandement might have beene performed without Robberie, &c.

But if I command one to beate another, and thereupon hee beateth him to death, that shall bee Felony in me that commandeth, *ut pat. ibidem* 314. for it is difficult and hard to beate a man in such sort, that it shall be sayd hee shall not dye of such beating, &c. therefore in such case I am accessory to him that killeth him, by reason that it was done upon my commandement, &c.

That is, where one receiveth a Felon, well knowing of the Felony that he hath committed, or favoureth him, or by aideth him, hee there shall be sayd to be an Accessory after the fact. But *distinguend. est*, of this ayde or councell; for if he ayde him with his good word, and sueth for his delivery, or sendeth Letters for his deliverance, that maketh him not to bee accessory to the Felony: *ut* *Accessories after the offence committed.*

patet titulo Corone in Fitzh. pag. 195. *&c.* Nay, this definition is to be made of an Acceſſory, it extendeth onely to thoſe that be Acceſſories to a principall atteinted; for if after the atteinder one receiveth and aydeth him, That is, after he be convicted of the Felony by verdict, outlawry, or confeſſion, he ſeemeth to be an Acceſſory, though that he knew him not to be a Felon, in that hee is a Felon by matter of Record, of the which every ſtranger is driven to take Cogniſance, *tamen quære*; for yee ſhall finde *titulo præd. pag.* 377. one note, which is thus, *ſcilicet*, Note ya, That when a man is indicted for the receiving a man outlawed for Felony in the ſame county, then he ſhall loſe both life and members, *Secus eſtet in alio com &c. Ergo* thereof enſueth, That if one be outlawed for Felony in one Countie, and another receiveth him in another County, he ſhall not be Acceſſory, for that he cannot take Cogniſance of that which was done in another County, though that it bee matter of Record, &c. And agreeable to this note, I finde in *Bracton* written thus, *If any man ſhall give meate to ſuch one after Outlawry, ſhall entertaine or receive him, nay but hide him, he ſhall be puniſhed in the manner the Outlaw ſhould.* So that it ſeemeth he maketh no difference betweene matter in fact and matter of record, &c. in that he maketh *Scienter* materiall in the caſe, &c. And note yee, that by the common-Law, if one commit Felony in one County, and before his atteinder one other receiveth him felonioufly in another County, that was not felony in the receiver for default of tryall, in that thoſe of the County where the Acceſſory offended, could not have Cogniſance of the principall offence committed in another County, *quod vide titul' Corone pag.* 33. *&* 43 *Ed.* 3. wherefore a Statute Law was made *annis* 2, *&* 3. *Ed.* 6. which is in this manner: Foraſmuch as the moſt neceſsary office and duty of Lawes, is to preſerve the life of man, and condignely to puniſh ſuch perſons that unlawfully and wilfully murder, ſlay, and deſtroy men, &c: Note the preamble of this Statute.

And

And alſo it is a common practiſe amongſt arrant Theeves and Robbers in this Commonwealth, that after they have robbed and ſtolne in one county, they will convey their ſpoyle, and part thereof ſo ſtolne, to ſome of their adherents in another County, where the principall offence was not committed, nor done, &c. By this preamble it appeareth, That if one felonioully received parcell of the Goods ſtolne, that he ſhall thereby be an acceſſory, &c. *quær.* thereof; for yee ſhall finde *titulo Coron. in Fitzh. pag.* 126. That one ſhall not be Acceſſory for receiving of goods ſtolne only, if he receive not the Felon himſelfe alſo. And therefore the Indictment was there, That knowing and felonioully received the Theefe, &c. and he was diſcharged thereof *ratione jam dict'*. But if he had as well received the Felon himſelfe, as the goods, then otherwiſe it were, *ut patet 9 H. 4. fol* 1. *& tit. Coron. in Fitzh. pag.* 427. where a Felon did flye to his brothers houſe, and his brother did ſhut the doore, and the Country that purſued him were deceived thereby; for they did conjecture that hee had continued in the houſe, when he did flye thence to the Church; whereupon his brother was adjudged acceſſory to that Felony, *&c. ut pat. ibidem pag.* 196. That a man may be an Acceſſory to an Acceſſorie: As if a man felonioully do receive him that is an Acceſſory to a Felon, &c. Alſo it appeareth there *pag* 48. That hee that receiveth an acceſſory of a Felony, is principall, and not acceſſory, &c. And the reaſon thereof as I underſtand, is, for that by this receite a new Felony is committed by him, though that it dependeth upon the ancient and former Felony, &c. And note ye, that *Bracton* counteth an Acceſſory, *a receiver of bad men, &c. ut ſupra c.* 19. *fol.* 26. and ſaith, that a woman cannot bee acceſſory to her husband.

I have already intreated of Acceſſories by the Common Law, now therefore I will entreat of Acceſſories by the Statute-Law. It ſeemeth though an offence bee *Acceſſories by Statute.*

made Felony by Statute, though the ſame Statute doth not ſpeake expreſly of abettors, procurors, counſellours, and receivers, yet it be ſhal taken to be within the compaſse of that Statute, as it appeareth in the Title of Treaſon, 19. H. 6. where the conſenter and ayder to the counterfeiting of the great Seale, or the Commonwealths money, was adjudged a Traitor: And yet the words of the Statute are, if a man doe counterfeite, &c. the which thing the other ſeemeth not to have done, in that hee was not but conſenting and ayding to the ſame, &c. The ſame Law is in caſe of Rape, where one did the fact, and another aſſiſted him, and ayded him to commit the Rape, he thereby is a Raviſher as far forth as his companion which did the Rape indeed, as it appeareth 11 *H. 4. & tit. Coron. in Fitzh. pag.* 120. And yet notwithſtanding the words of the Statute of Weſtm. 2. cap. 34. are, If a man raviſh a woman, &c. but that was the cauſe of the Rape, without which perhaps the Rape had not been committed: and pincipall doer, in that hee was preſent when the fact was done, and therefore as well culpable of the fact as the principall doer is. And if any be acquitted of a principall fact, hee is then acquitted of all offences as acceſſory before the principall fact committed, but not of offences perpetrated as Acceſſory after the principall fact done, as it ſhall appear after: And therefore ſome will argue in this caſe, as though that Acceſſories before the offence committed, be taken to bee within the compaſſe of a Statute that maketh Felony, though they be not expreſſed, for the reaſon before made: yet notwithſtanding that proveth not, that acceſſory after the offence perpetrated, ſhould be within the compaſſe of ſuch a Statute if it be not expreſſed. But howſoever it be, thoſe of the Parliament in the time of King H. 8. provided for the ſame, as it appeareth as well by the Statute of Hunting, *anno* 32. H. 8. as by other Statutes which at this inſtant are not in force. And by a Statute made in the firſt and ſecond yeare of P. & M. againſt unlawfull and rebellious aſſemblies,

blies, which Statute is yet in force. And by a Statute made 1. M. concerning Egyptians as yet also being in force. The which Statute provideth as well for Accessories before the offence perpetrated as after, *vide* the Statute of 3. H. 7. of those that take maides, widdowes, or wives against their wills, where the words are, that such taking, procuring, and abetting to the same, and also receiving wittingly the sayd woman so taken against her will, and knowing the same, is Felony: And that such misdoers, takers, procurers, and receivers to the same, knowing the sayd offence in forme aforesayd, bee henceforth reputed and judged as principall Felons. Note, as it seemeth there is no Accessory in this offence upon the Statute, in that by the words they be reputed and judged as principall Felons, which maketh them as it seemeth all principals, &c.

Note, that in an appeale of Mayhem, the Plaintife may chuse to make every of them principals, or him onely that did hurt him, to be principall, and the others Accessories, *ut patet* 215. 221. & 199.

How the principal shall first be attainted, and after the accessories.

There are three sorts of attainders, viz. by confessions by verdict, and default or outlawry, and in all these case the principall ought to be attainted before the Accessory: but in the manner of proceeding to this attaint, there are diversities of opinions; for *Bracton* saith upon the attainder by process in this manner, *the causes of Outlawry may bee many*, &c. So that it appeareth, that at that time there was diversities of opinions about the manner of atteinder of Accessories by Outlawry, which diversity was taken away by the Stat. of Westminster the first, the which is thus, *viz.* And for that, that men have used in some countries to Outlaw the people appealed of commandement, force, ayde, and receiptment within the same terme, in which a man should Outlaw him that is appealed of the fact as principall. It is provided and commanded, That none be Outlawed for appeale of commandement, force, ayde, or receiptment, untill he that is appealed of the fact bee attainted: so that one

onely Law thereof be throughout the whole Land, &c. But hee that will appeale, ſhould not therefore ceaſe to continue his appeale at the next County againſt thoſe, as well as againſt the Appellees of the fact, but the Exigent againſt them ſhall ſtay untill ſuch time as the Appellees of the fact bee attainted by Outlawry or otherwiſe. This Statute is not to bee underſtood of Appeales commenced by Bill: for Appeales commenced by Writ, there appeareth not any to bee Acceſſary till ſuch time as the count bee made, the which is not made, till ſuch time as there bee alſo appearance for the Acceſſory, *ut patet* 43. *Edw.* 3. *fol.* 15. wherefore in that caſe where an Appeale is commenced by Writ, if the Plaintiſe will pray the Exigent againſt all, he is thereby concluded to count after, againſt any one of them as Acceſſory, for if otherwiſe, &c. hee ſhould not have the Exigent againſt all them untill the principall had been outlawed, for in that caſe he is concluded, *ut patet tit. Coron. in Fitz. pag.* 80. This Statute willeth that the appellee of the fact be attainted before the Acceſſory ſhall be Outlawed: Admit then, that at the time when the Acceſſory is at the Exigent, the principal appeareth, if then the Exigent ſhall be awarded againſt the Acceſſory, till that the Proceſs againſt the principall be determined, &c. It ſeemeth not, for notwithſtanding that the Proceſs be determined, yet the principall is not attainted; and untill ſuch time as he be attainted, the Acceſſory ought not to be Outlawed, *ut ſupra* 7. *H.* 4. *fol.* 31. That which is ſayd, extendeth to that where the Acceſſory doth not appeare but maketh default: Wherefore now let us ſee what ſhall be done when the Acceſſory appeareth in judgement, and the Principall alſo, and in reſpect thereof, note you that by the ancient Law, the Acceſſory ſhould not be put to anſwer, till ſuch time as the principall had been attainted, *ut patet per Bracton, If all be preſent, thoſe as well of force as of fact, the proceeding muſt bee againſt all in order, but thoſe of force are not, to anſwer till the fact*

be

be convinced, &c. And agreeable unto him is the booke of 44. *Edw.* 3. *fol.* 9. *& tit. Coron. in Fitz.* 216. but since that time the Law hath been changed, &c. For now, be it that the principall appeare, or make default, the Accessory, if he appeare, shall answer, but if hee plead to an issue, processe shall cease to bee awarded against him for his tryall, untill the principall doe appeare, or or be attainted of Outlawry, *ut pat. & 9. H.* 4. & 7. *H.* 4. but yet those Process against the Jury shall not cease, unless the Accessory will, for if the Accessory will pray Process against the Inquest, before the principall be attainted, hee shall have them, in that it is domage to none but himselfe. And whether he be attainted or acquitted, it is good, and he shall not be againe arraigned for that offence; for the taking of the Inquest or verdict is not erroneous for the reason before made, *ut patet titulo Coron.* 463. The same Law is if the Accessory will wage his battell with the appellant before the Principall doth come, *ut patet ibidem pag.* 8. for he may waive the benefit that the Law doth give him therein, &c.

Note ye that if the plea which the Accessory doth pleade, be a plea in abatement of the whole writ, the principall therein shall have the advantage, notwithstanding his absence, so that the Exigent that is to bee awarded against the principall shall stay till it be known whether the whole writ shall abate or not, *ut patet* 9 *H.* 4. but if they both doe appeare, *viz.* the principal and the accessory, then the principall must first answer, and after the accessory, for such answer the principall may make, that the accessory shall not bee put to answer till the answer of the principall bee tried. And that is where the principall doth not pleade directly to the felony, but some other plea; As if he plead that he was once before attainted of the same Felony, and the appellant to the contrary that is not so, and so they are at issue, in this case the Accessory shall not answer before that issue be tryed, 9 *H.* 7. *Quære* if the like Law bee where the principall pleadeth in abatement of the whole writ,

&c. But if the Principall pleade to the Felony, the Accessory then presently after such plea shall pleade also: And if they be at issue, a *venire fac'* may bee awarded against them all, *ut patet tit. Coron.* where *Forteſcue* saith, that if at the day in the Court the principal maketh default, the Inquest shall not be taken for the accessory, but that the Inquest shall goe without day, and the principals, manucaptors or sureties, shall make their fine, &c. And that agreeth with that which was sayd before, *scilicet*, that the Inquest shall stay for the Accessary till such time as the principall commeth to bee attainted by Outlawry, &c. Note, when I speake of the prinpciall, I meane then all the principals; for if there be divers sued as principalls, and some of them doe come, and some doe nor, yet the Inquest shall stay untill all the principals doe come, or bee attainted of Outlawry, if it bee so that hee bee appealed or indicted as accessory unto them all: otherwise it is if hee not appealed or indicted as accessory to one of them; for there it sufficieth those principals onely to come, or to bee attainted for whom hee is appealed or indicted as accessory, without having regard to the residue, *quod vid. 7. H. 4. fol.* 30. *& tit. Coron. in Fitzh.* 216. Also note yee, that it is requisite that this attainder of the principall be in the same suite in which the accessaryes be sued, for if it bee in another suite, that will not permit the Accessorie to proceed in his Inquest till such time as the principall that is sued with him doe come in, or be attainted by Process as aforesayd. And in an appeale of death, against the principall and the accessory, the principall before that time is attainted of the very same death, upon an Indictment at the Keepers of the Liberty of England by authority of Parliament suite, *ut patet 7. H. 4. fol.* 30. *Quære*, if the accessory shall p'eade for his discharge the acquittall of the principall in another suite, *ut patet* 277. Also it seemeth, that if the principall since that attainder is dead, and the Justices before whom such Accessory is sued, have before them the record of the attainder, that then they

may

may proceed againſt the Acceſsory, otherwiſe not, 7. *H.* 4. *fol.* 23. Wee have ſayd before that the Inqueſt ſhall not proceed againſt the Acceſſory, till ſuch time as the principall doe come in, or be attainted, &c. Admit then that the principall doth come in, and will ſay nothing, but ſtand mute; What ſhall in that caſe bee done with the acceſſory? *Huſſey* ſaith, 3. *H.* 7. That, that notwithſtanding, the Acceſsory ſhall be arraigned, *quod vide titulo Corone* 36. & 51. where the principall challengeth above the number of 36. which was peremptory to him, therefore hee was hanged without farther triall, becauſe he ſhould challenge but juſt 36. or under, and not above, and in that caſe the acceſſory was tried and found guilty; and the juſtices did adviſe with themſelves, what ſhould be done in that caſe, for they were of divers opinions, &c. This attainder whereof wee have ſo often ſpoken, though that it be erronious, yet not withſtanding that court ſhall proceede with the acceſſory, for the acceſſory ſhall utterly take advantage of that error, *quod vide anno* 2 *R.* 3. *f.* 21. Alſo there is one caſe, that although the principal be not attainted, yet the Acceſſory ſhal be hanged, As if one Abjure as Acceſſorie, and afterward the Principall cometh, not being attainted, *Tamen* the Juſtices *in favore vitæ*, did inquire if the Acceſſorie was attainted or not. The ſame law ſhall be in the caſes aboveſaid, as it ſeemeth where the Acceſſory of his own good will will wage battaile, or have the inqueſt proceed before the Principall doth come, &c.

Note, That if the principall be acquitted, the Acceſſory, is thereby diſcharged, for *Bracton* ſaith, where no fact was, no force, no command ought to hurt, where the wrong had no effect, &c. Wherefore it is clear, that the acquital of the principal, is alſo the acquitall of the Acceſſory, or if it happen that the principall cannot bee tried, as if hee dye in priſon before hee be attainted, thereby the Acceſſory is diſcharged; otherwiſe it is if he die after the Attainder, &c. The ſame law is, if before the principall be attainted of the felonie, he is attainted of another

Whether the acquittall of the principall diſcharge the acceſſory, or not.

nother ſelony and hanged, the acceſſory hereby is diſcharged, *ut patet tit' Coron' in Fitz.* 378. The ſame law is though he be not hanged after the attainder, in that caſe he ſhall anſwer to any other ſelony, unleſſe it be robbery or Treaſon. The ſame Law is, if it be found that the principall killed him *ſe defendendo*, the acceſſory is thereby diſcharged, *ut patet* 116. *Et tamen* there the principall purchaſeth his Pardon, &c. But that Pardon argueth not that hee is culpable in any other manner than *ſe defendendo*. But of other pardons otherwiſe it is, for if the principall doth pleade his pardon to a ſelony generally, without any ſpeciall matter found, the which ſhould cauſe the pardon, and is thereby diſcharged, yet that ſhall not diſcharge the Acceſſory, but hee ſhall bee found guilty of the felony, *ut pat. tit. pred.* 260. for by ſuch a pardon the ſelony is confeſſed, of which felony he prayeth to be diſcharged *ex gratia Cuſtod. Libertatis Angliæ Authoritate Parliamenti*, and not by courſe of the Law, as it was done in the other caſe, *Quære tamen*, for the contrary is agreed by way of argument, 3. *H.* 7 *tit. pred.* 53. And alſo by the opinion of *Thyrn.* 7. *H. fol.* 13. And this reaſon is, that when the life of the principall is given him by the law, in what manner ſoever it be, the felony is extinct in his perſon, & by conſequence acquited.

And ſo it ſhall be where the principall taketh him to be his Clergie. And with this caſe agreeth the booke of 3. *H.* 7. *fol.* 2. *tamen Fitz. tit præd.* 53. hath reported that booke of 3. *H.* 7. to the contrary, *ſc.* that not withſtanding that the principall ſhall have his Clergy, yet the acceſſory ſhall be hanged. And according to that ye ſhall finde *ibi.* 270. *& 266. Sed diſtinguendum eſt*, of the caſe of the Clergy, *ſc.* whether he be Clerke convict, or clerke attaint, for if he be clerke attaint, by the ancient Books the Acceſſory ſhall be hanged, for that the principall in that caſe cannot at any time make his purgation, and otherwiſe perchance, if hee were Clerke convict, in that the Clerke convict may make his purgation, wherefore in that caſe they did uſe to let acceſſories to mainepriſe,

until

untill ſuch time as the principall had made his purgation, &c. *ut patet tit. Coron.* 145, 176, 252, 376, 193; *& 7. H. 4. fol.* 13. *&* 13. *Ed.* 4. *fol.* 3. and then upon his purgation to diſcharge the Acceſſory, and if he died or eſcaped before purgation, &c. then to proceed to the attainder of the Acceſſory, *&c. Quære* if the difference will hold place at this day in that, in the new books before they have expugnancy of opinion in the caſe where purgation is to be done, That is to ſay, in the caſe of a Clerke convict, for ſome would in that caſe that the acceſsory ſhould be diſcharged, and ſome would not. So that in that caſe of the Clergy, and of the pardon, the new bookes and the old agree not.

Note where it is ſaid before, that the Acquittall of the Principall, is alſo the acquittall of the Acceſsory, That is to be underſtood, if it be not in an appeale when the acceſſory is to recover damages, for if hee will recover damages, hee ought to bee tryed notwithſtanding the acquittall of the principall, *ut patet in Fitzh. pag.* 223. *Quære* if that be Law now, by uſe, for it ſeemeth reaſonable that he ſhould have his damages upon the acquitall of the principall without being tryed, or otherwiſe ſhould enſue that the Court would admit an Acceſſory whereto then it appeareth that there is no principall, which ſhould be inconvenient; for as *Bracton* hath well ſaid, *The Appealers cannot omitting the firſt and principall Appellee, wage battell with the Appellees of force and command,* &c. In my Lord *Cookes* 4. booke of Reports, *fol.* 44. In an appeale brought by one *Bibithes, Termino Paſchæ, anno* 39 *Eliz.* It is there reſolved for Law, that although the principall was convicted by verdict, yet inſomuch that he had his Clergy, his acceſſories both before and after the Felony were diſcharged, and the ſame Law is there reſolved, if a principall upon his arraignment confeſſe the felony, and before judgement gets a pardon or hath his Clergy allowed him, the acceſſory thereupon is diſcharged. 2. *E.* 3. 27. 22. *E.* 3. *tit. Coron.* 260. 5. *H.* 4. 16. 19. *H.* 4 5. 3. *H.* 7. 1. & 3. *H.* 7. *tit. Coron.* 53. *Quod nota.*

An

An Appeale of Murder and Robbery.

South. A. G. viz. *the late Wife of* R. G. *in proper perſon inſtantly appeales* M. D. *late of* N. *in the County of* S. *Yeoman, and* I. B. *late of* A. *in the County aforeſaid Yeoman, in the cuſtody of* T. P. *Knight Sherife of the County aforeſayd, and to the barre brought in her owne perſon. of the death of the aforeſayd* R. *lately her husband, of that, that where the ſame* R. G. 28. *day* A. *the yeare,* &c. *was in the peace of God, and the ſayd Commonwealth working and labouring in burning of Coales in the land of* I. G. *Knight, called* S. *in a certain place there called a Coale place, at* C. *in the county aforeſayd, where there came the aforſayd* M. D. *and* I. B. *as Felons of the ſayd Commonwealth, and by aſſault, and of malice forethought, the aforeſayd* R. G. *of his goods and moneyes to robbe and ſpoyle, upon the ſame* R. G. *aforeſaid,* 28. *day of* A. *and yeare,* &c. *aforeſayd, about the ninth houre after noone of the ſame day, by force and armes, viz. with ſtaves, knives,* &c. *at* C. *aforeſayd, in the place aforeſayd, aſſaults made, and the ſame* R. G. *then and there feloniouſly and wilfully ſlew, and murdered, and the ſame* R. *ſo ſlaine incontinently carryed away to a certaine wood called,* &c. *diſtant from the aforeſayd place about* 10. *perches, in the pariſh of* T. *in the ſame county, and him there in a woody place of Oakes hid and caſt downe, and his throate then and there cut againſt the peace publique, and as ſoon as the ſame Felons the Felony and Murder aforeſayd had done, they fled, and the aforeſayd* A. *then freſhly purſued from towne to towne, as farre as foure townes next and farther, untill* &c. *And if the aforeſayd* M. D. *and* I. B. *the Felony and Murder aforeſayd, in forme aforeſayd done, will deny, then the aforeſayd* A. *is ready the Felony and Murder aforeſayd againſt them to prove, as the Court here,* &c. *and ſhe found pledges of proſec. of this Appeale,* viz. I. W. & C. E. &c.

E. P.

E. P. *of* H. *in the County aforesayd Yeoman, in his own person, according to the forme of a Statute in the Parliament of the L. King* R. *late King of* Engl. *the second after the Conquest, at* Westminster *the sixt yeare of his reign held, made, instantly appeals* I. B. *lately of* H. *in prison, &c. of that, that where* I. *the Wife of the aforesayd* E. P. *was in the peace of God and the Commonw. now at* H. *in the County aforesaid, the aforesayd day, &c. the yeare, &c. about the houre, &c. There came the aforesayd* I. B. *as a Felon of the Commonwealth. Now of treachery and assault forethought against the peace of the publique, the day, yeare, houre, and place aforesaid, the aforesaid* A. *then and there feloniously ravished, and with her then and there carnally lay, and the sayd* I. *to the same* I. B. *after the rape aforesayd, in forme aforesaid done, viz. and the day and yeare, &c. as to the doing the said rape consented, and him for the same rape according to due forme of Law refused to punish, and as soon, &c.*

Appeale of Rape by the next a Kin.

W. L. *next of bleud to* I. *daughter and heire of* T. L. *now dead, viz. brother of the aforesaid* T. L. *father of the aforesaid* I. *feloniously ravished, in his proper person instantly appeales* R. P. *of* K. *in the county of* S. *Yeoman, and in the cystody, &c. according to the form of the Statute of the L.* R. *lately King of* Engl. *the second after the Conquest, the sixt yeare of his reigne, held, made, of the rape of the aforesaide* I. *and of the peace of the Commonwealth, now broken, of that that where the said* I. *was in the peace of God and the Commonwealth at* M. *in the county of* E. *the day, &c. the yeare, &c. about the houre, &c. there came the aforesaid* R. *as a Felon of the commonwealth, now by treachery and assault forethought, against the peace publique, the day, yeare, houre, and place aforesaid, and the aforesaid* I. *feloniously ravished against the forme of the Statute aforesaid. And as soon, &c.*

I. As

I A. *in his proper perſon appeales* R. L. *of* D. *in the County of* S. *Yeoman, of that, that where* I. A. *was in the peace of the Commonwealth now at* C. *in the County aforeſayd, the day, yeare, &c. about the eigth houre after noone of the ſame day, where came the aforeſayd* R. *felonioufly as a Felon of the Commonwealth there by treachery and aſſault forethought againſt the peace publique, the day, yeare, houre, and towne aforeſayd, with a certaine arrow ſhot the aforeſayd* I. A. *in the left knee, by which the veines and nerves were dryed up, and ſo him felonioufly he mayhemed, and as ſoon, &c. and if &c. the ſame* I. *this is ready againſt him to prove as the Court, &c.*

D B. *in his perſon inſtantly appeales* R. E. *of cutting out the Tongue of him* D. *and the peace publique broken, for that, viz. that whereby a certaine Statute in the Parliament of* H. 4. *lately King of England, the fifth yeare of his reigne, at* Weſtmin. *held, made; It is ordained, that Malefactors who ſhall cut out the tongues, or pluck out the eyes of the people of the Commonwealth, this duely proved and found, that ſuch fact was done out of malice forethought, ſhall incurre the paine of Felony, as in the Statute aforeſayd more fully is contained, and where the aforeſayd* D. *was in the peace of God and the Commonwealth now at* H. *in the County aforeſayd, the day and yeare, &c. about the houre, &c. there came the aforeſayd* R. E. *felonioufly as a Felon of the Commonwealth, by treachery and aſſault forethought, againſt the peace publique, the day, yeare, houre, place, and county aforeſaid, and with a certaine knife, which he held in his right hand, the tongue of him* D. *felonioufly he cut out; and as ſoon, &c.*

A Felon appeales and calls for the Coroner.

M Emorand. *that on Tueſday, &c.* I. R. *lately of* L. *&c. diverſe Felonies before the Keepers of the Liberty*

berties of Engl. by authority of Parliament in the upper Bench at Weſtm. acknowledges to have committed, requiring a Coroner of the Commonwealth for the good of the Commonwealth to be aſſigned him; and an Approver the ſaid R. *became, upon which* I. W. *Coroner of the Commonwealth was aſſigned to him by the Court, to record thoſe things which the ſayd Approver would ſay or acknowledge before me, and dayes were given to the ſame approver by the Court for his dayes of appeale*, viz. Munday, Tueſday, Wedneſday, *then next following, and after*, viz. on Munday *aforeſayd, before me the aforeſayd Coroner, at* W. *came the approver under the cuſtody of the Marſhall of the Keepers of the Liberties of England by authority of Parliament in his proper perſon and appealed* T. C. *lately of* L. *and* H. *lately of* S. *of that that the aforeſaid* T. C. *with the approver about the firſt day of* S. *in the year, &c. at* B. *in the County of* M. *one peece of Silver to the value of* 30. *ſ. of the goods and chattels of* A. B. *feloniouſly ſtole, and the aforeſayd* H. R. *knowing them* T. C. *and the approver ſo to have committed that Felony, then at* B. *the aforeſaid fourth day then next following received, and the peece of ſilver afore ſaid, of them bought, &c.*

Let the ſame manner be obſerved in others alike.

Otherwiſe, viz. Thurſday *next, &c. the year, &c. at* O. I. B *lately of* H. *Yeoman, before* L. M. *and his companions Juſtices, &c. aſſigned the peace in the County aforeſayd to conſerve, was indicted of this, that he the day and yeare &c.* (reciting the Indictment) *againſt the peace publique, &c. being before the aforeſaid Juſtices asked How hee would acquit himſelfe of it? Acknowledged the Felony aforeſayd, and an Approver of the commonwealth became, and requeſted a Coroner of the Commonwealth to bee aſſigned unto him, upon which* I. W. *one of the Coroners of the Commonwealth of the County aforeſayd, was aſſigned to heare and record thoſe things which for the good of the Commonwealth, he*

he would ſay, or before me acknowledge, and after, viz. *ſuch a day,* &c. *ſayd before me the aforeſaid Coroner at* E. *the aforeſayd approver, that* W. I. *of* L. *in the County of* L. *Yeoman, and the ſame approver in the way publique betwixt* W. *and* B. *the diſtance of ten miles from* B. *aforeſayd, the tenth day,* &c. *yeare,* &c. *upon a certaine* I. B. *aſſault made, beate, and ill treated him, and ſix markes ſterling in ready money of the Goods and Chattels of his* I. B. *then and there found, feloniouſly tooke and robbed, whence the ſame approvor the aforeſaid* W. I. *appeales.*

THis you heare Sir Coroner that I B. C. *am a Theefe of one horſe, or ſomething elſe, or an homicide of one man or more; As a felon of the King, &c. And becauſe many miſchiefes and robberies I have committed, I abjure, &c. and I ought to haſte me to the Port from ſuch place as you have appointed me, nor ought I to divert to any other way, and if I doe. I will that I bee taken as a Theefe and Felon of the King, and that at ſuch a place I will ſeek diligently my paſſage, and will not expect but one flow and ebbe, if I can paſſe, and if in ſuch ſpace I cannot goe over, I will goe every day into the ſea up to my knees, and trying to paſſe, and if I cannot doe this within forty dayes together, I will put my ſelfe into the Church as a Theefe and Felon of the King. So help me God and his doome.*

But it ſeemeth by the Statute of 22. *Hen.* 8. that this kind of Abjuration is taken away, and that it was the Kings pleaſure that ſuch perſon which did abjure, ſhould be abjured from all his ability, to ſome Sanctuary within this Realme there to continue during his life, and that hee ſhould bee burnt in the right hand with this letter *A.* to the end he might be knowne to bee an abjured perſon, and if after hee was taken abroad out of the Sanctuary, then hee ſhould undergoe ſuch puniſhment as perſons abjured did before the making of the ſaid Statute: And if any Felon refuſe to abjure before

the

the Coroner, he ſhall loſe the benefit of the Sanctuary by the Statute of 21. *H.*8.*c.*2.

This heare you Sir Coroner, that I *J. M.* of *H.* in the county of *S.* am a Popiſh Recuſant and in contempt of the Lawes and Statutes of England, I have and doe refuſe to come to their Church, I doe therefore according to the intent and meaning of the Statute made in the 35 yeare of Queene *Elizabeth* late Queen of this Realm of *England*, abjure the Realme of *England*. And I ſhall haſte mee towards the port of *P.* which you have given and aſſigned to me, and that I ſhall not goe out of the Highway leading thither, nor returne backe againe, and if I doe, I will that I bee taken as a Felon of the Commonwealth: And that at *P.* I will diligently ſeeke for paſſage, and I will tarry there but one flood and ebbe, if I can have paſſage, and unleſſe I can have it in ſuch ſpace, I will goe every day into the Sea up to my knees, aſſaying to paſſe over: ſo God me helpe and his holy judgement, &c.

The forme of a Certificate of an Abjuration.

MEmorand. *what happened at* E. *in the County of* S. *on Saturday*, viz. *the twentieth day of* I. *the yeare*, &c. *a certaine* R. S. *lately of* P. *in the County of* L. *Yeoman, tooke the Church Parochiall of* P. *for freedome and tuition of holy Church there to bee had, by occaſion of diverſe Felonyes by him before committed, and requeſts a Coroner of our Lord the King to be brought to him, upon which I* I. W. *one of the Coroners of our Lord the King of the County aforeſayd, came to him to the Church aforeſayd being, and hee before mee the ſayd Saturday in the Church aforeſayd confeſſed and voluntarily acknowledged that hee the* 27. *day of* May *then laſt paſt at* L. *in the Pariſh of Saint* S. *in the Ward of* F. *one Mazer covered with ſilver of a certaine* I. B. *in the houſe of him* I. *being, to the value of thirty ſhillings felonioufly ſtole, for which*

which felony hee required of mee the aforesayd Coroner the Realme of England *to abjure; upon which the booke being delivered to him by me the aforesayd Coroner, the same* R. *the Realme aforesaide before me the aforesaid Saturday, in the Church aforesaid abjured, into the same Realme never to returne, without speciall lycense and reconciliation of the King of* England, *and assigned was to the same* R. *for his passage out of the Realm, the port of* Dower, *the crosse in his hand put, as the Law and custome of* England *is.*

One taken out of the Sanctuary petitions for restitution.

UPon this came the aforesaid E. *and sayes that hee the* 14. *day of* I. *the year, &c. tooke the Church of Saint* G. *at* S. *in the County aforesayd, for diverse Felonies by him before committed, for safety of his life, and tuition of holy Church, and requests the priviledge of that Church. And that* I. L. *and others to the same* G. *unknowne, him then and there out of the Church aforesaid violently and against his will tooke and carryed away, and this &c. and he sues to bee restored, &c. and &c. to the Felonies not guilty.*

An Inquisition in Murder.

AN Inquisition by Indenture taken at B. *in the County aforesayd, Tuesday, viz. the* 21. *day of* December, *the yeare, &c. before me* I. S. Gent. *one of the Coroners of the Commonwealth of the County aforesayd, upon view of the body of a certain* E. S. Gent. *there dead lying, by the oath of* I. S. *&c. Jur. trie. and charged to enquire in what manner and how the aforesaide* E. *to his death came, who say upon their oath, that* I. H. *of* S. *in the County aforesayde, Yeoman, the fourth day of* August, *the yeare, &c. at* B. *aforesayd, in the County aforesayd, about the houre of ten before noon of the same day. God before his eyes not having*

having, but by inſtigation diabolicall ſeduced and moved, of his malice forethought, felonioufly as a felon of the Commonwealth, in and upon the ſaid E. S. *in the peace of God and the Commonwealth being; then and there by force and armes aſſault and affray made, and that the aforeſaide* I. H. *with a certaine ſword of the value of five ſhillings which the ſame* I. H. *in his right hand then and there held, then and there the aforeſaide* E. S. *felonioufly ſtroke, and with the ſword aforeſaid gave the ſame* E. S. *then and there one wound mortal upon the left knee of him* E. *wholely cutting off a certaine bone of the aforeſaide knee of him* E. *called the panne of the knee, the length foure inches, bredth two inches, and depth two inches, of which wound mortal, the ſame* E. S. *the twentieth day of* December, *the yeare aboveſaide, at* E. *aforeſaid in the Countie aforeſaid dyed, and ſo the Jurors aforeſaide, upon their oath aforeſayde ſay, that the aforeſaide* I. H. *in manner and forme aforeſaide the aforeſaide* E. S. *felonioufly, and of his malice forethought ſlew, and murdered, againſt the peace publique, and further the Jurors aforeſaide, upon their oath aforeſaide ſay, that the aforeſaid* I. H. *at the time of the felony and Murder aforeſaide done had no goods nor chattels, lands, nor tenements in the Countie aforeſaide within their knowledge. In teſtimony of which thing, as well I the aforeſaid Coroner, as the Jurors aforeſaide, to this Inquiſition our ſeales alternately have ſet, the day, year, and place aboveſaide.*

By *I. S.* one of the Coroners of the ſaid Commonwealth, of the ſaid Countie.

Murder.

A *Inquiſition by indenture taken at* H. *in the County aforeſaide before me* I. W. *Gentleman, one of the Coroners of the Commonwealth of the Countie aforeſaide,* Tueſday, viz. *the twentieth day of* Ianuary, *the yeare,* &c. *upon the view of the body of a certaine* C. B. *lately* South.

the wife of P. B. *of* H. *aforeſayd at* H. *aforeſaid, felonioufly ſlaine, then and there dead lying, by oath of good and legall men of the towne of* H. *and of three other townes near* viz. S. N. *and* C. *as the manner is,* &c. *To enquire in what manner and how, the aforeſaide* C. *to her death came,* viz. *by the Oath of* A. B. C. D. &c. *to the number of twelve at leaſt, who ſay upon their Oath, that where the aforeſayde* C. *the day, yeare, place, and County aforeſayd, about the houre of two after noone of the ſame* Tueſday, *was in the peace of God and the Commonwealth at* H. *aforeſaid, there came a certaine* W. B. *lately of* C. *in the County of* W. *Genil. felonioufly as a felon of the Commonwealth, by treachery and aſſault forethought, againſt the peace publique, the day, yeare, houre, place, and County aforeſaid, upon the aforeſaide* C. *his Miſtris then bigge with childe, and neare her time of Childbirth, aſſault made, and with a certaine Hatchet of the value of foure pence, which the ſaid* W. *then and there in his hands held, on the left part of her head felonioufly ſtruck, giving her a wound mortall, of which wound mortall the ſame* C. *inſtantly dyed, and ſo the Jurors aforeſaid upon their oath aforeſaide ſay, that the aforeſaide* W. B. *the aforeſaid* C. *his Miſtris, then and there felonioufly ſlew and murdered againſt the peace publique,* &c. *In teſtimony of which,* &c.

AN Inquiſition, &c. *upon the view of the body of a certain* J. S. *there dead lying, by oath of* A. B. C. C. &c. *to the number of twelve at leaſt of Jur. trie. and charged to enquire in what manner and how* I. S. *to his death came, who ſay upon their oath that it ſo happened, at* M. *in the County aforeſaid, the day,* &c. *year,* &c. *about the hour,* &c. *that where the aforeſaid* I. S. *was in the peace of God, and the Commonwealth at* M. *aforeſaide, the ſame day, yeare, place, and houre, there came* W. L. *of* M. *aforeſaide, and* S. T. *of* S. *in the Countie aforeſayd Yeoman, as Felons of the Commonwealth of their malices fore thought, upon* I. S. *then and there aſſault made, and the aforeſaid* W. L. *with a certaine Ponyard, which in his right hand then and there hee held the ſayd* I. S. *upon the left part of his body,* viz. *upon his anne-*

kele,

hole ſtruck to his heart, giving him a wound mortall, upon which the ſame I. S. *inſtantly died. And ſo the Jurors aforeſaid, upon their Oath aforeſaide ſay, That the aforeſaid* VV. L. *the aforeſaid* I. S. *at* M. *aforeſaid, in manner and forme aforeſaid, felониouſly ſlew and murdered againſt the peace publique, and further the Jurors aforeſaid, upon their oath aforeſaid ſay, That the aforeſaid* T. S. *the day, yeare, place, and houre aforeſaide was preſent aſſiſting, abetting, procuring, comforting, and maintaining the aforeſayde* W. L. *to the Felony and Murder aforeſaid, in forme aforeſaid doing and committing. In teſtimony of which, &c.*

Manſlaughter.

AN *Inquiſition, &c. aforeſaid. Who ſay upon their oathes That* R. S. *lately of* D. *in the County aforeſaid yeoman, the nineteenth day of* December, *the yeare, &c. by force and armes, viz. with ſwords, &c upon a certaine* T. G. *at* D. *aforeſaid, in the County aforeſaid, with a certain Candleſtick of the value of twelve pence, which the ſame* R. *in his right hand then and their held, the ſame* T. *upon his head felониouſly ſtruck, giving to the ſame* T. *then and there one wound mortall of the length of two inches, the breadeth of one inch, and the depth of three inches, and after, viz. the ſame day, yeare, and place.* T. *then and there to the ground throwne, with his hands and knees ſo fiercely and violently hee ſhooke, that the aforeſaid* T. *of the wound and ſhaking aforeſaide dyed. And ſo the Jurors aforeſaid, upon their oath aforeſaide ſay, That the aforeſayd* R. *the aforeſaid* T. *in manner and forme aforeſaide, then and there felониouſly ſlew againſt the peace publique, &c. And further the Jurors aforeſaid, upon their oathes aforeſaid ſay, That the aforeſaid* R. *at the time of the Felony aforeſaid, by him as aforeſaid done, had no goods or chattels, lands, or tenements in the County aforeſaid, nor elſewhere within their knowledge. In teſtimony of which, &c.*

Robbery and Murder by a man unknown.

South. *AN Inquisition, &c. Who say upon their oath that the twenty fourth of S. the year, &c. so it happened, that a certaine man unknowne, God before his eyes not having, but by instigation diabolical seduced, and moved; with force, and armes, viz. with swords, &c. betwixt the houres seven and eight of the same day, at L. in the County aforesaide, in the highway, there in and upon the aforesayde S. B. then and there in the peace of God and the Commonwealth being, feloniously as a Felon of the Commonwealth assault made, and the aforesayd man unknowne with a sword aforesayd, of the value of foure pence which the same man unknowne in his right hand then and there held, the aforesayd S. B. upon the breast then and there feloniously struck, giving the same S. B. then and there with the sword aforesayd, one wound mortall of the breadth of one inch, and depth of six inches, of which wound mortall the sayd S. B. then and there instantly dyed, and so the Jurors aforesayd upon their oath aforesayd say, that the same man unknowne the same S. B. in manner and foresayd feloniously slew and murdered against the peace publique, and further the Jurors aforesayd upon their oath aforesaid say, that the aforesaide man unknown after he the felony and murder aforesaid, viz. in form aforesaid had done and committed Fled against the peace publique. In testimony of which, &c.*

Murderer of himselfe who hangs himselfe; no forfeiture of Lands.

AN Inquisition, &c. Who say upn their oath, that the aforesayd H. W. *the fourth day of April, the year, &c. aboveſaid, about the fourth houre after noone of the same*

ſame day, God before his eyes not having, but by inſtigation diabolicall ſeduced and moved, at T. aforeſayd in a certaine Medow, of the ſame H. called Edes Meade, then and there alone being, with one girdle of Leather of the value of one penny which he then and there in his hands had and held, and one end thence about his neck then and there put, and one end thence about the bough of a certain willough tree bound, and himſelfe then and there with the girdle aforeſayd willingly and felonioufly hanged and ſtrangled. And the Jurors aforeſayd upon their oath aforeſayd ſay, that the aforeſayd H. W. in manner and forme aforeſayd willingly and felonioufly as a felon of himſelfe, himſelfe murdered againſt the peace publique, and further the Jurors aforeſayd upon their oath aforeſayd ſay, that the aforeſaid H. W. the time of the felony aforeſayd, no goods or chattels had in the county within their knowledge. In teſtimony of which, &c.

AN Inquiſition, &c. as above. Who ſay upon their oath, that the aforeſayd A. W. the third day of October, the yeare, &c. aboveſaide, about the houre, &c. God before his eyes not having, but by inſtigation diabolical ſeduced and moved, of his malice forethought, at S. aforeſaid, in the County aforeſayd, then and there alone being, in a common brooke there himſelfe willingly and felonioufly drowned: And ſo the Jurors aforeſayd upon their oath aforeſayd ſay, that the aforeſayd A. P. in manner and form aforeſayd then and there willingly and felonioufly as a felon of himſelfe, himſelfe ſlew and murdered, againſt the peace &c. In teſtimony of which, &c.

Of a mad man who drownes himſelfe, it is not Felony.

AN Inquiſition, &c. upon view of the body of a certaine G. P. there dead lying, by the oath of A. B. &c. ſworne to

inquire in what manner, and how the aforesaid G. p. to his death came, who say upon their oath, that the aforesaid G. P. the fourth day of May, *the yeare,* &c. *aboveſaid at* H. *being then and there not ſound of minde, himſelfe into a Spring wilfully caſt, and ſo the Jurors aforeſaid, on their oath aforeſaid ſay, That the aforeſaid* G. B. *from the cauſe aforeſaid, in manner and forme aforeſaid to his death came. In teſtimony of which,* &c.

Of a priſoner who died in the Gaole.

AN *Inquiſition,* &c. *upon view of the body of a certaine* H. C. *lately of* O. *in the County aforeſaid Husbandman, there dead lying, who before then committed was thither by* B. T. *Knight one of the Juſtices of peace of the County aforeſaid, for ſuſpition of Felony, by oath of* A. B. &c. *who ſay upon their oath that the aforeſayd* H. G. *the tenth day of* Ianuary, *the yeare aboveſaid, in the Gaole aforeſayd, of the viſitation of God dyed, and ſo the Jurors aforeſaide, upon their oath aforeſaid ſay, that the aforeſaid* H. G. *in manner and form aforeſaid to his death came, not otherwiſe within their knowledge, In teſtimony of which,* &c.

AN *Inquiſition,* &c. *Who ſay upon their oath that the fourteenth day of* April, *the yeare,* &c. *aboveſaid at* C. *in the County aforeſaid, betwixt the houres ſeven and eight before noon of the ſame day, with one Axe which the ſaid* L. H. *then and there in his hands had and held, hee cut and threw downe one Oake then growing in a certaine wood called, the Chaſe, by reaſon of which throwing downe aforeſaid, the aforeſaid Oake, then and there by misfortune fell upon the head of the aforeſaid* L. H. *giving the ſame* L. H. *one wound mortall of the length of three inches, and the depth of one inch, of which wound mortall of the length of three inches, and the depth of one inch, of which wound mortall, the aforeſaid* L. H. *then and there inſtantly died, and ſo the Jurors aforeſaid, upon their oath aforeſaid ſay, that* L. H. *in*

man-

manner and forme aforesaid, by misfortune to his death came. And further the Jurors aforesayd say, that the aforesaide Oake is of the value of eight shillings, and that it lyes in the wood aforesaide, now in the tenure, custodie, or occupation of a certaine I. S. In Testimony of the which, &c.

Otherwise by misfortune by a Cart with its Loade.

AN Inquisition by Indenture, &c. who say upon their oaths, that the aforesayd R. VV. the eleaventh day of October, &c. the yeare, &c. abovesaid, at P. aforesaide in the County aforesaide, going with his Cart from Redding in the County of B. to Basingstoke in the County of Southump. aforesaide, by the way betweene R. and B. aforesaide, viz. at P. aforesaide, in the County aforesaid, his saide Cart with the loade fell upon the bodie of the aforesaide R. W. and so broke his body, that of that breaking the aforesaide R. then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaide say, that the aforesaide R. W. in manner and forme aforesaid, by misfortune to his death came. And further the Jurors aforesayde, upon their oath aforesaid say, that then and there three Horses and two Oxen, with the Cart aforesaide, and their Loade, viz. six Packs of woolle, containing in them by estimaion twenty four Tods of Wooll, moved to death the aforesaid R. W. and that the aforesaide three Horses and two Oxen are of the price of foure pound and tenne shillings, and that the aforesaid Horses, Oxen, and Cart, remaine in the custody of I. W. of P. aforesaid, viz. the late wife of the aforesaid R. W. and that the aforesaide six Packs are of the value of sixteen pound, whence they say, that two of the aforesaide six Packs are of the value of foure pound thirteen shillings and foure pence, and remaine in the custody of H. P. of B. aforesaid, Clothier, and that other three packes of the aforesaid six, are of the value of eight pounds, and remaine in the custody of T.

B.

B. *of* Romſey, *in the County of* S. *Clothier, and the aforeſayd one other pack. reſidue of the aforeſayd Packs, is of the value of ſixty ſhillings and eight pence, and remaines in the cuſtody of* W. B. *of* R. *aforeſayd Clothier. In teſtimony of which*, &c.

THE

The Sherifes Oath for the due execution of his Office.

YOu ſhall ſweare, that well and truly ye ſhal ſerve the Keepers of the Liberty of England by authority of Parliament, in the Office of the Sherife of the County of Southampton, and do the Commonwealth profit in al things that belongeth to you to doe by way of your office as farre forth as you can or may: you ſhall truly keepe the commonwealths right, you ſhall not aſſent to decreaſe, or leſſing, nay, to concealment of the commonwealths rights or of its Franchſes, And whatſoever you have knowledge that the commonwealths right have been concealed or withdrawne, to be in lands, rents, franchiſes, or ſuits, or any other things, ye ſhall doe your true power to make them to bee reſtored to the commonwealth againe: And if you may not doe it, ye ſhall certifie the Keepers of the Liberty of England, or ſome of them thereof, ye ſhall not reſpit the Commonwealths debts for any guift or favour, where you may raiſe them without great grievance to the debtors: ye ſhall truely and rightfully treat the people of your Sherifwicke, and doe right as well to poore as to rich, in all that belongeth to your Office: ye ſhall doe no wrong to any man for any guift, or other beheſt or promiſe of goods for favour nor hate: ye ſhall diſturbe no mans right: ye ſhall truely acquit at the Exchequer all thoſe of whom ye ſhall any thing receive of the

the Commonwealths debts: ye ſhall nothing take whereby the Commonwealth may loſe, or whereby the right may bee letted or diſturbed, and the Commonwealth delayed: yee ſhall truly returne, and truely ſerve all the Commonwealths Writs, as farre forth as ſhall be to your cunning: yee ſhall not have to bee your Underſherife any of the ſherifes of the laſt yeare paſt: yee ſhall take no bailife into your ſervice, but ſuch as you will anſwer for: you ſhall make each of your bailifes to take ſuch oath as you make your ſelfe in that belongeth to their occupation, you ſhall receive no Writ by you nor any of yours unſealed, or any ſealed under the ſeale of any Juſtice, ſaving the Juſtice in Eire, or Juſtice aſſigned in the ſame ſhire where ye be ſherife, or other Juſtices having power and authority to make any Writs unto you by the Law of the land, or of the Juſtices of Newgate: you ſhall make your bailifes of true and ſufficient men in the countrie. Alſo ye ſhall doe all your power and diligence to deſtroy and make to ceaſe all manner of hereſies and errors, commonly called Lollaries, within your bailiwick from time to time to all your power, and aſſiſt and be helping to all the Ordinaries and Commiſſaries of the whole Church, and favour and maintaine them as often as you ſhall be required by the Ordinaries Commiſſaries: ye ſhall be dwelling in your owne proper perſon within your bailiwicke for the time yee ſhall be in the ſame office except yee

be

be otherwiſe licenſed by the Keepers of the liberty of England by authority of Parliament: yee ſhall not let your ſherifewick, nor any bailiwick thereof to any man: yee ſhall truely ſet and returne reaſon and due iſſues of them that be within your bailiwick after their eſtate and behaviour, and make your pannels your ſelfe of ſuch perſons as be next, moſt ſufficient, and not ſuſpect, nor procured, as it is provided by the ſtatutes. And over this, in eſchewing and reſtraint of manſlaughters, robberies, and other manifold grievous offences that be done daily, namely by ſuch as name themſelves ſouldiers, and by other vagrants, the which increaſe in number, and multiplie ſo that the people of this Commonwealth may not ſurely ride nor goe to doe ſuch things as they have to doe, to their intollerable hurt and hinderance: Ye ſhall truely and effectually with all diligence poſſible to your power execute the ſtatutes, as the ſtatutes of Wincheſter and for Vagabonds. All theſe things ye ſhall truly obſerve and keep, as God you help, and by the contents of this booke.

Or thus;

You ſhall well and truely execute the office of Sherife of the countie of *A.* during ſuch time as you ſhall be ſherife.

Of

OF THE AVTHORITY OF A *SHERIFE*,

And how and in what manner he ought to execute his Office in all things that are in use.

The Second Booke.

FIrst of all, when hee is appointed to be Sherife, he is then Keeper of the County, and his power and authority is very great, as hereafter I will set forth and declare at large: And at the entrance into his Office, the first thing that hee must doe, is to go into the Exchequer, into the Remembrancers office there, and to enter into Recognisance there with sureties, or some for him, for the payment of his proffers, at or before *mense Paschæ*, and *mense Michael* then next following. That done, his Attourney there, will write him a note, thereby signifying that he is Sherife of such a county, and that hee hath entred Recognisance for his proffers, the which note the Sherife must deliver to one of the six Clerkes in the Chancery, for his warrant to make the Sherifes Patent

tent by ſuch his Writ of aſſiſtance, and a Writ of diſcharge to be delivered to his predeceſſor, to diſcharge him of his office, the which would bee delivered with all ſpeed, for his owne benefit or his underſherifes; for unleſſe it be delivered unto his predeceſſor, the precedent Underſherife may doe execution of Proces. And this being done, then if he be ſo well provided, hee may take his Underſherife with him, and goe either to a Maſter of the Chancery, or to one of the Judges of the Aſſiſes of that Shire, whereof he is Sherife, and take their oathes for the due execution of the ſayd Office, or elſe hee muſt have a *Dedim' poteſtat.* out of the Chancery, from the Clerk which made his Patent, directed to two Juſtices of the Peace of the ſame County, whereof one muſt be of the *Quorum*, to give him his oath in the country; but his Underſherife may be ſworne by two Juſtices of Peace, whereof one muſt be of the *Quorum*, without Commiſſion: and untill they bee thus ſworne, they may not intermeddle with the execution of any proceſſe by the Law.

A Sherife at or before his firſt County Court, muſt take over from the old Sherife his predeceſſor, all his priſoners, and writs, preciſely by view and by Indenture to bee made betweene them, wherein all the cauſes which he hath againſt every priſoner (at the perill of the old Sherife) muſt be ſet forth and declared, or elſe the new Sherife needs not to take any notice of any thing that is omitted, and left out of the Indenture: for he is not chargeable with it, but the old Sherife, as it appeareth of late in a caſe adiudged in my L. *Cookes* 3. booke of Reports, *Wesbies caſe fol.* 72. againſt the Sherife of *London*: For although they ſet him over by Indenture, yet they ſet not over all the cauſes which they had againſt him, but omitted an Execution, which after was recovered againſt the old Sherifes by the plaintife, and *Wesby* was at liberty, and the Sherifes were *ſans* remedy.

All the VVrits which are ſet over in the Indenture

bee

betweene the Sheriſes, if they have beene executed by the old Sheriſe, then they muſt bee returned by him, and indorſed under by the new Sherife thus, *I ſend the Writ as it is indorſed, to mee delivered, it was by* R. VV. *Knight lately Sherife if my next predeceſſor, in his going out of his office.*

H.C. Knight Sherife.

And a Sheriſe at the firſt County Court which ſhall happen to be after his election, and diſcharge of the old Sheriſe, muſt read his Patent and his Writ of Aſſiſtance, and nominate his Underſheriſe, the County Clerke, and four deputies of Replevins at the leaſt for eaſe of the Country, who ought to dwel 12 miles one from another in every quarter of the County one, to grant Replevins when need ſhall require.

The firſt County of F. P. *Knight of the County aforeſayd,* and ſo next *ſecond County,* the next County Court, *held at the Caſtle of* Wincheſt. *ſuch a day and yeare,* ſetting the Keepers of the Liberties of England Stile at large.

Then the Bailife muſt make an O-yes, and ſay thus, Eſſoines and Proffers (before the Court three times) for this day. And then ſay, if any man will bee eſſoined or enter any plaints, let them come in and they ſhall bee heard.

A. B. *Is eſſoined becauſe he is ſick, or ſuch like.*

A. B. *Complaines againſt* C. D. *of a plea of Debt, unjuſt detinue of his Cattell, or of a plea of Debts unjuſt detinue, treſpaſs, or ſuch like,* as the caſe is.

This Court ought to be kept every moneth upon a day certain of neceſſity by reaſon of the Keepers of the Liberty of Engl. by authority of Parliament writs of Exigents which muſt be read there.

And the Actions muſt be called there as they are in a Hundred

Hundred Court, or Court Baron, and it will not hold plea where the debt or damage is fourty ſhillings, unleſſe it be by Writ of *Iuſticies* out of the Chancery, which is a commiſſion to the Sherife to hold plea of any ſumme whatſoever, and yet it is but in the nature of a *Diſtringas*, to diſtraine a man by his goods to anſwer there to the plaintifes action, for his body cannot be touched with it by law, nor his lands.

And the like entries, plaints, anſwers, barres, and iſſues are to be put in there, as are uſed in a Hundred Court, or Court Baron; for this Court is but a Court Baron. And although it be the Sherifes Court, yet the Freeholders of the County are the Judges there in all Actions. And the Commonwealths County Coroners of the aforeſaide Keepers are onely Judges to give Judgment upon the Writs of Exigents, and none elſe; and if they be Freeholders as they ought by the Law to bee, they are alſo Judges of their actions; if they bee not, they may bee removed from their places for lack of Freehold, it is a ſufficient exception in Law to bee taken againſt them in that caſe.

And the like Proceſs or Precepts as are out of a Hundred Court, changing things to be changed, are to be made out of this Court, *viz.* ſummons, attachment, and diſtreſſe infinite

Election for Knights for the Parliament, and of Coroners and Verderers, are alwaies made by the Keepers of the Liberty of England by authority of Parliament Writ in the open County Court, and the day and time when, and by whom, viz. by the Freeholders of the County, and the Knights are to bee choſen between 8. and 9. of the clock in the forenoon, the Court ſitting. And the names of ſuch Freeholders as are at the election of Coroners and Verderers ought to be ſet down in the County Court booke, for to teſtifie ſuch election, and the Sherife is to miniſter unto the Coroners and the Verderers their ſeveral oathes for the due execution of their offices.

A Replevin.

South. F P. *Knight Sherife of the County aforesayd, to the Bailey of the Hundred of* H. *also to* I. S. *my Bailey for this time, and to both, and jointly and severally greeting. Because* W. P. *has found me sufficient security, as well for the prosecution of his claime, as for his cattell,* viz. *one Gelding, three Horses,* &c. *which* I. C. *tooke and unjustly deteines (as is sayd) to bee returned if the returne bee thence adjudged. Therefore of the part of the Keepers of the Liberty of England by authority of Parliament, you and both of you jointly and severally I command, that you Replevie and delivery make, or one of you replevie and delivery make to the aforesaid* W. P. *of his cattell aforesaid, and that he put or,* &c. *by surety and safe pledge the aforesayd* I. C. *So that hee bee at my next County Court at the Castle of* Wincheſt. *to bee held, to answer the sayd* W. P. *a plea of taking and unjust detinue of his Cattell aforesayd, and in what manner,* &c. *to me at my next County certifie yee, or,* &c. *Under the perrill incumbent. Given under the Seale of my Office, the last day of* Decemb. *the year,* &c.

By mee *Rich. W.* Knight,
Sherife.

And if this Replevin bee granted by a Deputy to the Sherife, then hee muſt ſet his name to the Replevin thus.

By mee I. W. *one of the Deputies of the ſayd Sherife, according to forme of Stat.*

And if the firſt Replevin bee not executed, then the Sherif or his deputy may grant an *alias Replevin*, and ſo a *plur.*

plur. Replevin, vel cauſam mihi ſignifices, and after *toties quoteis* if need be. And upon all theſe Replevins, there muſt bee a Bond of tenne pound at the leaſt taken of him to whom the Replevin is granted for his appearance at the next Court after, and proſecution of his ſuite with effect againſt the taker of the cattell, and to make returne thereof, if returne bee adjudged, the forme of which Bond and Condition thereof muſt bee thus.

Obligation.

KNow all men by theſe preſents, that I *W. P.* of *C.* in the County of *South.* Gentleman, am held, and firmely obliged to *F. P.* Knight, Sherife of the County aforeſayd in tenne pounds of good and lawfull money of England, to bee payd to him the ſame Sherife, or his certaine Atturney, Executors or Aſſignes, to which payment well and truely to bee made, I oblige my ſelfe, my Heires, Executors and Adminiſtrators firmely by theſe preſents. Sealed with my Seale.

Dated, &c.

Condition.

THe Condition of this preſent Obligation is ſuch, that if the above bounden *W. P.* doe appeare at the next County Court to bee holden at the Caſtle of *Wincheſter*, and then and there doe proſecute his action with effect againſt *I. C.* for the wrongfull taking and detaining of his cattell, *videlicet*, of one Gelding, and three Horſes as it is alledged. And doe alſo make returne thereof, if returne thereof ſhall bee adjudged by Law, and alſo doe ſave and keepe harmeleſſe, and indempnified the above named Sherife, his Underſherife, and Bailifes, for, touching and concerning the delivery of the ſaid cattell, that then this preſent Obligation to be voyd and of none effect, or elſe the ſame to ſtand, remaine, and continue in force, ſtrength and vertue.

And if in this caſe the taker of the cattell juſtifie the taking as in his freehold, then this Court can proceede no further therein, but the cauſe muſt be removed from thence by the Keepers of the Liberty of England by Authority of Parliament writ out of the Chancery called a *Recordare fac loquelam*, directed to the Sherife retornable the next terme following, either in the Upper bench, or in the court of Common Pleas, which the party will, for they are both common Law, but they are more properly belonging to the court of Common Pleas, and this writ ought to be openly read and allowed in the ſaid Court, to the end that notice may be given thereof to the plaintife in the Replevin, that he may appeare at the day of the returne thereof, and declare againſt the taker of his cattell, or elſe the taker will have *A retorn' habend. aver*, and ſo put him to ſue forth the ſecond deliverance, which is a diſadvantage to the plaintife, for he ſhall then have no more ſecond deliverance, otherwiſe he might have another, and let the Attorney for the plaintife ſee well to the ſealing of the writ of ſecond deliverance with *Retorn' hend. averior.* or elſe it will fall out to be manifeſt error, and overthrow the cauſe, be it never ſo juſt, when it is an exec', becauſe the writ of *R. D.* is an originall writ, but the def. therein ſhall have no coſts, it was the caſe of *Nic. M. Gent.* againſt *Tho. Newman* in a Replevin for an annuitie adjudged in the upper Bench, *Term. Trin. ann.* xv. *I. R.*

Now next, the high Sherife will looke for his ſecurity from his under Sherife before he will truſt him with his office, becauſe he will ſleepe quietly, and take his repoſe in ſafty: and for that commonly he hath bonds and covenants of the underſherife and his friends. That men make not void all theſe bonds and covenants taken of their underſherifes, Let them looke to the ſtat. 5. *E.* 6. c. 16. And that gentlemens Clerkes may ſufficiently know how to execute the office of an underſherife, I have taken occaſion to ſet forth this booke of directions, ſufficiently to teach and inſtruct any Clerke that is willing to undergoe

goe the burden of this office for his Maſter, rather then a Gentleman of worth ſhall for a little money hazzard his oath or his credit in his country, for by this meanes hee had better (in diſcharge of his duty both to God and his Country in the execution of his office) keepe his office in his houſe, ſo that hee may take a continuall ſurvey of it himſelfe, then truſt a ſtranger upon bonds and covenants with the whole execution of his Office, which by the Statute of 23 H. 6. ca. 10. are thought by many opinions to be voyd or voydable, for the words of the Statute are theſe, That no Sherife, nor none of his Officers or Miniſters ſhall take or make any Obligation for any cauſe mentioned in the ſayd Statute, or colour of their office, but onely to themſelves, of any perſon, or by any perſon which ſhall be in their ward, by courſe of the Law, but in the name of their office, and upon condition written, That the ſayd priſoners ſhall appeare at the day contained in their writs, bill, or warrant, and in ſuch places as the ſayd writs, bils, or warrants ſhall require. And if any Sherife, or any of his officers take any Obligation in any other forme, by colour of their office, that it ſhall be voyd: And in this courſe there can be no loſſe to the Sherife, if his Underſherife bee carefull to follow the directions here layd before him, for he ſhall hereby both get good knowledg and experience and ſome profit, and his maſter may give him good allowance, and yet ſave ſufficient out of the honeſt gaines of the office, to paſſe his accounts, and to defray part of his other charge, and have his countrymen well dealt withall, and gently intreated according to his oath; whereas now as the office is uſed otherwiſe by underſherifes which buy their offices, they pay for it, or elſe the underſherife muſt go away a beggar.

The forme of an Indenture for ſetting over of Priſoners and Writs, betweene two Sherifes.

THis Indenture made, &c. betweene *I. K.* Eſquire, late Sheriſe of the County of *South.* of the one party, and Sir *H. W.* Knight, now Sherife of the ſaid County on the other party, witneſſeth, that the ſayd *I. K.* by vertue of the Keepers of the Libertie of England by authority of Parliament Writ of diſcharge of his late office to him directed, hath delivered and ſet over unto the ſaid Sir *H.W.* theſe Writs following, *viz.* A *Capias*, againſt *W. F.* returnable the *Oct.* of *Hil.* at the ſuite of *Andrew Limbon*, &c.

Together with the bodies of I. S. in execution at the ſuite of G. H. for a debt of 22.l. and I. H. at the ſuite of C. D. in execution for 10.l. &c. In witneſſe whereof, &c.

The forme of an Indenture made betweene the High ſherife and his under-ſherife.

THis Indenture made, &c. between *I. H.* of *D.* in the county of *S.* Eſquire, on the one party, and H. R. of *G.* in the ſaid County, Gentleman, of the other party, witneſſeth, that whereas the ſayd I. H. being by the Keepers of the liberty of England, by the authority of Parliament appointed to be high Sherife of the ſaid County of S. for this year to come, hath upon ſpeciall affiance, confidence, and truſt that hee hath and beares in and towards the ſayd H. R. promiſed and granted to the ſaide H. R. the uſe of the exerciſing of the office of his underſherifwick of the ſaid C. together with all fees, fines, forfeitures of Bonds, profits, commodities, advantages, caſualties, allowances, liberties, franchiſes, courts, tornes, leets, perquiſites of Courts, and other emoluments certaine and uncertain whatſoever, to the office of ſherifwick or underſherifwick belonging, or in any wiſe appertaining

ning, that any ſherife or underſherife of the ſaide County hath heretofore juſtly and lawfully claimed or had, to have and to enjoy during, and by all ſuch time as he the ſaid I. H. ſhall be, remaine, and continue high Sherife of the ſaide C. of this appointment or election not diſcharged. In conſideration whereof, the ſayd H. R. covenanteth, granteth and agreeth, and faithfully promiſeth for him, his heires, executors, and adminiſtrators, that hee the ſaid H. R. his heires, executors, or adminiſtrators, ſhall and will diſcharge, or otherwiſe ſufficiently ſave and keep harmleſſe as well the ſayd I. H. his heires, executors, and adminiſtrators, as alſo his and their and every of their goods, cattels, lands, tenements, and hereditaments, of and from all and all manner of troubles, vexations, ſuits, actions, informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, pains, ſum and ſums of mony payable or levyable to or for the Keepers of the liberty of England by authority of Parliament, or any other perſon or perſons whatſoever, for any matter or thing to be done in or about the ſayd office, and of and from all loſſes, hindrances and damages, that ſhall or may bee lawfully moved, ſtirred, procured, commenced, prohibited, proſecuted, happen or fall, or lawfully asked, demanded, or levyed upon the ſayd I. H. his heires, executors, or adminiſtrators, or of or upon his or their, or of any of their goods, chattels, lands, tenements, or hereditaments, for or by reaſon of the ſayd office of Sherife, either by non-ſuing, or unlawfull returning, ſlow returning, or miſreturning of any Precepts, Writs, Warrants, or Proces to the high Sherife directed, or to bee directed, or for, by cauſe, or meanes of any exceſſive or unlawfull extortion or exaction, or taking of any money, or other gaine or commodity, for the ſerving or not ſerving of any ſuch Writs, Warrants, Precepts, or Proces, or for or by reaſon of any miſdemeanour, miſuſing, or miſgovernment, negligence, lack of skill, or of ignorance that ſhall be in the ſayd H. R. in or about the doing, exerciſing, or executing of the ſayd office of underſherife, and

the ſaid H. R. for himſelfe, his heires, executors, and adminiſtrators, by theſe preſents doth covenant, and grant to and with the ſayd I. H. his heires, executors, and adminiſtrators, in like manner to diſcharge, or otherwiſe to ſave harmeleſs and indempnified, as well the ſayd I. H. his heires, executors, and adminiſtrators, as alſo all their goods and cattels, lands, tenements, and hereditaments, of and from all manner of eſcapes, both wilfull and negligent, of traitors, felons, and other priſoners committed, or to bee committed to his or their ſafe keeping or charge, in breach of priſons, and of and from all fines, forfeitures, amerciaments, ſums of money, and penalties that he or they or any of them ſhall or may incur, beare, pay, or ſuſtaine for any eſcape or breach of priſon during all the time of his continuance in the ſayd office of high Sherife of this appointment, and moreover the ſayd H. R. ſhall give attendance convenient, and requiſite upon the Courts at Weſtm. upon the Judges of Aſſ. and Iuſt. of the peace, and other Commiſſioners and officers within the ſayd County, upon whom the ſayd I. H. or the ſaid H. R. in reſpect of the ſaid office of Sheriffwick ought by the Lawes of this nation to attend; and furthermore ſhall within one yeare next after the diſcharge of the ſayd I. H. from his ſayd office, juſtly and truely make a perfect account in the Exchequer or elſewhere of all the ſums of money, and other things wherwith the ſayd I. H. ſhall or may be charged as Sherife of the County of S. and ſhall within the ſayd time deliver unto the ſayd I. H. his heires, &c. a ſufficient acquittance or *quietus eſt*. And it is further agreed upon by the ſaid parties to theſe preſents, that every one of the Bailifes of Hundreds, and all other the officers under the Sherife, ſhall enter into ſufficient bond by obligation, that they and every of them ſhall truely and diligently deale in, exerciſe, and execute their offices during the time aforeſayd, and if any ſhall refuſe to enter bond, or miſdemeane himſelfe, that then it ſhall be lawfull to and for the ſaid H. R. in his diſcretion to place another meet for that office

fice in the roome of ſuch perſon that ſhall refuſe or miſdemean himſelfe as is aforeſayd. In witneſſe whereof, &c.

The Bonds are commonly taken of the underſherife and his ſureties for the performance of theſe covenants, and they are ordinary as all other bonds are for performance of covenants, and therefore here needs no preſident for them.

A condition for a Gaoler to enter in to the Sherife, for the ſafe keeping of his priſoners.

THe condition, &c. That whereas the above named S. H. W. hath at the ſpeciall inſtance and requeſt of the above bounden W. V. conſtituted and appointed the ſayd W. V. to bee his Keeper of all ſuch priſoners as ſhall be arreſted or attached by any manner of Writ, Warrant, or Precept, made or to bee made, by or in the name of the ſaide S. H. W. or by or in the name of I. W. his underſherife. If therefore the ſayd W. V. his deputy or deputies, aſſignee or aſſignees, or any of them ſhall and do well and ſafely keepe all ſuch priſoners as ſhall bee committed to him or them, or any of them, and therein ſhall ſave and keep harmeleſſe, and indempnified the ſayd ſherife, his heires, executors and adminiſtrators, at all and every time and times hereafter, of and from all and all manner of eſcapes of all manner of priſoners that ſhal be committed to the cuſtody and ſafe keeping of the ſaid W. V. or left under the cuſtody or charge of any of his deputies or aſſignees, and of and from all manner of judgements, executions, fines, charges, troubles, and incumbrances whatſoever, which ſhall or may hereafter grow or happen to be taxed, impoſed, eſtreted, or levyed upon, of or againſt the ſayd ſherife, as ſherife of the C. aforeſaide, or by reaſon of any ſuch Eſcape, or Eſcapes, as aforeſayde. And if alſo the ſayd W. V. his deputy or aſſignee, ſhall not diſcharge or ſet at liberty out of his

or

or their cuſtody and ſafe keeping, any priſoner or priſoners which now are, or that hereafter ſhall or may bee by the ſayd ſherife, or by his underſherife or deputy, or by any of their Bailifes taken, committed, delivered, or left in the cuſtody of the ſayd W. V. his deputy or ſervant, without the ſpeciall warrant in writing under the hand and ſeale of the officer of the ſayd Sherife in that behalfe firſt had and obtained. That then, &c.

A condition for a Bailife to enter into, to the Sherife.

THe Condition, &c. That whereas the above named S. B. T. at the ſpeciall inſtance, earneſt intreaty of the above bounden I. P. hath authorized and appointed the ſayd I. P: to be one of his Baylifes within the Co. of S. aboveſaid, and in more particular hath committed to his charge the Bailiwick of the Hu. of M. and B. if therefore the ſayd I. P. and all ſuch perſons, &c. for and about the executing of ſuch things as ſhall bee given him in charge to doe and execute, as Bailife of the Hun do juſtly &c. execute his ſaid office according to the effect and intents of ſuch warrants and precepts as ſhall be directed unto him, and come to his hands, from the above named ſherife, or from his underſherife to bee executed, and ſhall and doe upon the view of every warrant upon meane proces from the ſayd ſherife, take ſufficient bond with two ſureties for the appearance of the defendant arreſted according to the ſtat. in that caſe made and provided, and ſhall ſafely convey or deliver every ſuch bond, uncancelled unto the ſaid Sherife, or his underſherife, before ſuch time as the proceſs whereupon the ſaid warrant is made is returnable, and alſo ſhall at all times, and from time to time, during the continuance of the ſayd ſherife in office of ſherife of the ſayd county, bee ready and attendant both upon the ſayd ſherife, and upon his underſherife, as well at every Aſſiſe and ſeſſions, as alſo at every

every C. court to be holden, &c. then and there to execute his ſaid office as appertaineth. And alſo ſhall well and truly pay, or cauſe to bee payed to the ſayd ſherife or his underſherife, at the Feaſts of *Eaſter* and S. *Mich.* the Archangel now next comming after the date above written, all and every ſuch ſumme and ſummes of money as hath been accuſtomed yearly to be payed to the Sherife of the ſayd county for the Keepers of the Liberty of England by authority of Parliament out of the ſayde Hundreds, upon the account of every Bailife of the ſayd Hundreds, commonly called ſherifes turne money: And doe in like manner before the ſayd feaſt of S. Mic. collect and gather of the inhabitants within the ſayd Hundreds, all ſummes of money due to the Keepers of the liberty of England, upon the ſummons and ſcedule of the green Wax, a ſufficient warrant being in convenient time delivered unto him to that end and purpoſe, and doe accordingly pay the ſame to the ſaid ſherife, or to his underſherife within one moneth next after he hath gathered and collected the ſame, without covin or further delay. That then, *&c.*

A Sherife is to make warrants upon meane proceſs, or to execute them himſelfe, which is not poſſible for him to doe execution of all: and they muſt be made according to the ſeverall natures of his Writs, which for the ſubſtance will direct him, but not for the form thereof, and that doth differ in many counties, but all to one effect, as in the county of Southampton, thus:

A generall VVarrant.

SS. F. P. Knight, Sherife of the County aforeſaid to the Baily of the Hundred of *Houſholt*, greeting, of the part of the Keepers of the Liberty of England by anthority of Parliament, I command thee that thou takeſt A. B. if &c. and him ſafely &c. ſo that I may have his body before

fore the Juſtices of the Common Bench at Weſtminſt. in the Oct. of Saint Hillarie, to anſwer *C. D.* of a plea of debt (or Treſpaſs, according to the Writ,) and this, &c. Given under the ſeale of mine Office, the twentieth day of *December*, the year of our Lord one thouſand ſix hundred forty eight.

A ſpeciall Warrant.

SS. F. P. Knight, ſherife of the County aforeſayd, to the Baily of the Hundred of H. alſo to J. W. and T. B. my Bailifes for this time, and to every of them greeting, of the part of the Keepers of the liberties of England by authority of Parliament, you and every of you jointly and ſeverally I command that you take, or &c. A. B. &c. and him ſafely, &c. ſo that I may have his body before the Keepers of the libertyes of England by authority of Parliament, in the upper Bench at Weſtm. on Thurſday next after the *Oct*' of *Saint Hil*' to anſwer C. D. a plea of Treſpaſs, &c. given, &c. as above.

20. day of *Decemb.* the year of our Lord, 1638.

By vertue of the Keepers of the Liberties of England by authority of Parliament Writ to me directed, Ret. before the Keepers of the Liberties of England by authority of Parliament, in the upper bench at Weſtminſt. Thurſday next after the Quindene of Saint *Hil*'. Or if it be out of the Court of Common pleas, then, Ret. before the Juſtices of the Common bench at Weſtm. in the *Oct*' of Saint *Hil*', you ſhall arreſt A. B. if he may bee found within my Bailiwick, to anſwer to C. D. in a plea of Treſpaſs, or a plea of Debt, according to the Writ. Given under my ſeale of office, the day and year aboveſaid, &c.

Per I. P. Mil. Vic':

To

To *I. P.* and *R. S.* my ſpeciall Bailifes in this behalfe, jointly and ſeverally greeting.

And in Yorke they uſeto make their Warrants thus, upon their meane Proces.

S. *George S.* Knight and Baronet, Sherife of the county aforeſayd, to all my Bailifes, or to all my Bailifes within the County aforeſaide, as well within liberties as without, alſo to *I. B.* and *C. D.* my bailifes this time onely Itiner. greeting, of the part of the Keepers of the Liberties of England by authority of Parliament, you and every of you jointly and ſeverally, I command, that he take, or &c. *A. B.* if &c. And him ſafely, &c. ſo that I may have his body before the Keepers of the Liberties of England by authority of Parliament, in the upper Bench, (if the Writ come out of the upper bench) at Weſtminſt. Thurſday next after the Quinden' of Saint *Hil'*, but if the Writ come out of the court of Common pleas, then it is, before the Juſtices of the Common bench at Weſtm. in the *Oct.* of ſaint *Hil.* to anſwer *C. D.* a plea of Treſpaſſe, or Debt, according to the Writ. Given under the ſeale of my office, ſuch a day and year, as above.

And this ſeemes to be the beſt forme of Warrants to have them ſerved: and there they uſe to make Warrants upon all their Executions in this forme, ſave onely there is added theſe words before the Teſte of the Warrant, Provided alwaies that this preſent Warrant is to be executed at the Perill of the Plantife onely. And thereupon the Plaintife will not only pay down the Fee for the Execution, as much as the Statute allows, but alſo give bond without condition, for the ſaving of the ſherife harmleſs of the eſcape, if any ſhould happen to bee, onely they will ſet downe under the Bond, the cauſe wherefore the Bond is taken, and the Bond is taken to a ſtranger, and yet never queſtioned, which makes execution to be the

better done, or elſe the country is ſo ſpatious, the Sheriſe would not bee able to doe a quarter of his worke. And I ſee no reaſon but it may bee uſed in any other country as well as there, and it will make the Sheriſes work much the eaſier to be done, and all things conſidered the more for his profit.

Alſo they uſe there to make warrants upon *Capias utlagat.* in the like form, and to take Bond, with condition, to bring the defendant to priſon if hee be arreſted, which makes good execution of theſe Proceſſe; and it were good this were uſed in all Countries, then there would not bee ſo much extortion and indirect dealing uſed by Underſherifes and Bayliſes, to the Weale publique, as there is, or if they take any man upon a *Capias utlagatum*, they will not onely take money of the Plaintife for to take the Defendant, but when they have taken him, for money they will let him goe againe, and they will alledg for a colour, it is to reverſe the Outlawry, which they have nothing to doe withall. He ought to bee brought to priſon, and there remaine untill one Attorney or other have reverſed the outlawry for him, and not the Sherife; for although he be an Attorney, he ought not when he is ſherife to practiſe as an Attorney; but yet notwithſtanding they do foreſtall the Market againſt the Law and the high ſherifes oath, and it is pitty that it is ſuffered to go unpuniſhed.

The forme of a bond for appearance.

KNow all men by theſe preſents, that wee A. B. *of* C. *in the county of* Southampton *Gent.* E. F. *of* G. *in the County aforeſayd Yeoman, and* H. T. *of* R. *in the county aforeſayd Yeoman, are held, and firmely obliged to* F. P. *Knight, Sherife aforeſayd, in fourty pounds of good and lawfull money of* England *to be payd to the Sherife or his certaine Attorney, Executors or Aſſignes, to which payment well and truely to bee made, wee binde our ſelves, and every one of us by himſelfe, for the whole and in the*

whole,

whole, the heires, executors, and adminſtrators of us, and of every one of us, firmely by theſe preſents. Sealed with our Seales. Dated the 20. *day of* Decemb. *in the year of our Lord* 1616.

The Condition of this preſent Obligation is ſuch, that if the above bounden *A. B.* doe appeare before the Keepers of the Liberties of England by authority of Parliament, in the upper bench at *Weſtminſter*, Thurſday next after the *Quinden'* of ſaint *Hil'*, if the Writ bee out of the upper Bench, according to the returne of the Writ: but if the Writ bee returned in the Court of Common pleas, then the words in the condition muſt bee for the defendant to appeare before the Juſtices of the Common bench at *Weſtm.* in the *Oct.* of ſaint *Hil.* or ſuch other returne, according to the Writ, to anſwer to *C. D* in a plea of Treſpaſſe or Debt, as it is in the Writ, that then this preſent Obligation to bee voyd, and of none effect, or elſe the ſame to ſtand, remaine, and continue, in force, ſtrength and vertue.

Sealed and delivered to the uſe of the above named Sherife in the preſence of *A. R.* and *T. S.* Two witneſſes at the leaſt.

A Sherife before he returne any writ into the Chancery, the upper Bench, the court of common pleas, and the Exchequer, ought to have an Attorney or Deputy in every one of thoſe Courts of Record, to anſwer for him by warrant of Attorney. And if any Sherife doe contrary to this ordinance in any point, he forfeits 40 li. every time, and treble damages to the party grieved: one moity thereof to the Keepers of the Liberty of England by Authority of Parliament, and the other moity to him that will ſue, by a ſtat. law made *anno* 23. *H.* 6. *ca.* 10.

You ſhall finde in this Book good returnes for all manner of writs now in uſe, herein ſet downe to your view

view, whenſoever you ſhall have occaſion to uſe them, and alſo apt returnes of all your Excheq. proces, with apt and due formes of all ſorts of Inquiſitions to be returned there, or elſewhere, with your proces.

Sheriſes and Underſheriſes ought to receive all manner of writs in any place within the County, without taking of any thing, and making thereof warrant: and if he refuſe to do it, if he make not a return of thoſe writs, he ſhall be puniſhed, and render damages to the party grieved by the Statute of 2 *Ed.* 3. *cap.* 5.

Alſo a Sherife may arreſt men which goe or ride armed, and commit them to priſon, there to remaine at the Keepers of the Libertie of England by Authority of Parliament pleaſure by the ſame ſtatute. And Alſo Sheriſes and Gaolers muſt receive theeves indicted or taken with the manner, without taking any thing for their receit, by the ſtatute of 4. *E.* 3 *cap.* 16.

Sheriſes muſt returne ſufficient and reaſonable iſſues upon ſuch perſons as have Lands and goods ſufficient: according to the ſtatute of *Weſt.* 2. *ca.* 39. & 1. *E.* 3. *ca.* 5.

Sheriſes *ex officio* may arreſt within their County ſuſpected perſons which walke by night or day, and which are of evill name and fame, by the ſtatute of 5. *E.* 5. *ca.* 14.

A Sherife ought to have but one Bailife errant within his County, by the ſtatute of 14. *E.* 3. *cap.* 8.

Sheriſes ought to keep their Torns twice every yeare, *viz.* one within a month after Eaſter, and the other within a moneth after the Feaſt of S. *Michael* the Archangell, by the ſtat. of 31. *E.* 3. *ca.* 14.

Sheriſes muſt leavy their iſſues and amerciaments by their extracts under the ſeale of the Exchequer, otherwiſe they ſhall render to the party damnified, treble damages, and alſo make fine to the Keepers of the Liberty of England by Authority of Parliament for their offence, which is determinable before the Juſtices at their Seſſions, by the ſtat. of 43. *E.* 3 *ca.* 9.

Sheriſes

Sheriſes ought to returne their pannels for the ſeſſions 4 dayes before the ſeſſions, at leaſt upon the pain of 20 li. and the Bailifes of liberties ought to make returne of their warrants ſix dayes before the Seſſions at the leaſt, upon the like pain, by the ſtatute of 41. *E.* 3. *cap.* 11.

Sheriſes ought foure times in the yeare to proclaime the Statute of *Wincheſter* in every hundred of his Bayliwick, for it is parcell of their oath, yet they never doe it.

Sheriſes ought to take the ſwords, daggers, and weapons from ſervants labourers, and from ſervants of Artificers, and Victuallers, if they find them bearing of any, except it be in time of war, or when they travel abroad into the Country with their Maſters, or goe in their meſſages, and they may keep ſuch weapons untill the next ſeſſions, and there preſent them with the names of thoſe that bore them, by the ſtat. of 12 *R.* 2. *ca.* 9.

Sheriſes may *ex officio* apprehend labourers, ſervants begging and wandring abroad, and commit them to priſon without bayle or mainpriſe, but they can take no fees of ſuch perſons, neither upon receit or delivery of them, upon paine of a C. s. to the Keepers of the liberty of England by Authority of Parliament, by the ſtat. of 12 *R.* 2. *ca.* 9.

Sheriſes and other of the Keepers of the Liberty of England by Authority of Parliament Officers, when they have notice of unlawfull Aſſemblies and Riots, ought to raiſe the Country, and with all their power to apprehend ſuch malefactors, and commit them to priſon, there to remain untill due execution of the Law be done upon them, and all Lords of Seigniories, and all other people ought to bee attendant to the Sheriſe and other officers, with all their power and force herein, by the ſtat. of 17. *R.* 2. *ca.* 8.

A Sheriſe ought to dwell within the County in his perſon during the time of his Sheriſewick, and he ought not to let his office to farme, both by his oath and by the ſtatute of 1. *H.* 4 *ca.* 5.

A Sheriſe ought to foreſee and provide, That neithe his Underſherife, nor any of his Clerkes, Bayliſes, or Receivers, be an Attorney in any of the Keepers of the Liberty of England by Authority of Parliament Courts, during the time of his Sherivalty, both by his oath, and alſo by the ſtat. of 1. *H.* 5. *ca.* 4.

Every Sherife ought to proclame the ſtatute of Purveyors four times in his yeare, upon paine of a hundred ſhillings for every time failing therein, and he ought alſo to deliver that to his ſucceſſor to proclaim upon the like paine, by the ſtat. of 1. H. 6. *ca.* 2. but this is never done.

Sheriſes ought to make due election of Knights for the Parliament by the Freeholders of the County, and in open County Court; and between 8. and 11. of the clock in the forenoone of the ſame day, by the ſtat. of 6. H. 6. *c.* 6. upon paine of a C. li. and a yeares impriſonment without bail or mainpriſe.

Sheriſes ought to returne upon every precept directed unto them from Juſtices of P. to enquire of forcible entries, upon every Jury twenty ſhillings iſſues a the firſt day, and Juſtices of Peace have power and authority to hear and determine thoſe defaults by Bill or Indictment, and Sheriſs ſhall forfeit for every default twenty pounds, whereof he that will ſue ſhall have the moity by the ſtat. of 8. H. 6 *cap.* 9.

And Sheriſes ought to returne in writs of Attaints, in plea of Land of the yearly value of forty ſhillings, or in actions for deeds concerning lands to ſuch value, and in actions of forty pounds or more, ſuch perſons inhabiting within his Baylywick, which can diſpend 20. li. *per annum*, beſides all charges, for terme of life at the leaſt, and out of ancient demeſne, Gavelkind, and Cinque ports, and upon the firſt diſtreſſe 40 s. and upon the ſecond C. s. and after double iſſues upon the Jurors, upon paine of 10. li. to the Keepers of the Liberty of England by Authority of Parliament, and 10. li. to the party grieved, and if there be not ſufficient perſons inhabiting within the

the County, which can expend 20. li. *per annum*, then they ſhall impanell other perſons of the moſt ſufficient in poſſeſſion of yearly value of lands, under the value of 20. li. *per annum*, upon pain of 10. li. to the Keepers of the Liberty of England by Authority of Parliament, and 10. li. to the plaintifie, by the ſtatute of 15. H. 6. *cap.* 5.

A Sheriſe may not occupy his office above a yeare, and if he doe he ſhall forfeit two hundred pound, and be diſabled ever to be Sheriſe of any County after, by the ſtat. of 23 *H.* 6. *cap.* 8.

No Sheriſe ought to let to farme his County, nor any of his Baylywicks, Hundreds, or Wapentakes, for it is both againſt his oath, and contrary to the ſtatute of 23 H. 6. *cap.* 10.

No Sheriſe, Bayliſe of Liberty, nor any other Officer ſhall returne in any pannell or Jury any of his Bailifes, Officers, or ſervants to any of his Officers, by the Statute of 23 *H.* 6.

No Sheriſe, nor any to his uſe, ſhall take any thing of any perſon to be arreſted or attached, nor for ſparing of any arreſt or attachment, for fine, fee, ſuit of priſon, mainpriſe, letting to bail, or for ſhewing any eaſe or favour to any ſuch perſon ſo arreſted, but onely for the Sheriſe twenty pence, the Bayliſe which maketh the arreſt foure pence, and the Gaoler (if the priſoner be committed to priſon) four pence, by the ſtatute of 23. H. 6. *cap.* 10. *Forfeiture x. li.*

And a Sheriſe ought to take but foure pence for the copy of a pannell, and two ſhillings for returne of a pannell, by the Statute of 27 *El. cap.* 12.

Sheriſes ought to let to bayle all perſons being in their keeping, by force of any Letter, Bill, or Warrant, in any perſonall action, or upon Indictment of Treſpas upon reaſonable ſurety, having ſufficient in the County to appear at the day and place, as thoſe letters, bils, or warrants require, except ſuch perſons as are in their guard or cuſtody upon a *capias ad ſatisfaciend.* utlagary or excommunication, or for ſurety of the peace, or by commandment of any Juſtices, and vagrants which refuſe to ſerve

vide Dyer fol. 324. He is of opinion that the Marſhall of the upper Bench is within the compaſs of the ſtat. of 23 *H.* 6. cap. 10: But the Warden of the Fleet, and the Keeper of the priſon at Weſtm. are not within the compaſſe of that ſtatute, for they are excepted.

Note, that a ſherife ought to take Bond for the appearance of his priſoner, with two ſureties, having ſufficient within the ſame County, otherwiſe the obligation is held to be voyd, and it muſt bee made to the ſherife by the name of the ſherife, and not to the underſherife, and there muſt bee nothing inſerted into the condition of that bond, but that the defendants ſhall appeare in the court from whence the writ iſſued at the day of the return thereof to anſwer to the plaintife in his action. *Plo. Comment. fol.* 68.

If more bee inſerted into the Obligation, then is for the appearance of the party bound, the bond is voyd, *per Mountague* chiefe Juſtice *Comment.* 68. *s.* in *Manninghams* caſe there.

A Bond entred into by a priſoner, to any perſon ſave onely to the Sherife for the inlarging of a priſoner, is not not good, but meerly voyd in law, by the ſtatute of 23. H. 6. *cap.* 10. And ſo it is where a Bond is given to the ſherife by a ſtranger for the inlargement of a priſoner that is not baileable, *per* 37. H. 6. *& Dyer*, 2. *&* 3. *P. & M. fol.* 119.

A ſherife having an Attachment *retorn. coram dicto Rege & conſilio ſuo in camera ſtellat. apud Weſtm. in quindecim Paſchæ ad reſpond. dicto Domino Regi & conſilio ſuo de quodam contemptu & ad fac' & reſp. ulterius, &c.* Return. before the ſayd King and his Counſell in the Starre Chamber in 15. of Paſche, to anſwer the ſayd Lord the King and his Counſell a contempt, and to doe and anſwer further, &c. doth arreſt the party and takes bond for his appearance indorſed with ſuch condition, that if the party arreſted ſhall perſonally appeare before the Kings Majeſty, and his counſell at Weſtminſter in *Quindecim Paſchæ*, and then and there ſhall anſwer

to

to a contempt by him committed, that then, &c. It was a queſtion whether this Bond and Condition was good in Law or no, becauſe theſe words then and there were added unto the condition, which was more than the ſtatute of 23. H. 6. would warrant; and it was demurred on in Law, but by the opinions of *Dyer* and *Windham*, it was thought to bee a good Bond and Condition, notwithſtanding thoſe words were added, yet *Mead* was of a contrary opinion. But *Termino Mich. Anno 2 & 3 El.* judgment was given for the Plaintiffe, *Dyer* 364.

Sheriſes ought to take no obligation for any thing whatſoever it be, or by colour of their office, but onely to themſelves, nor of any perſon being in their cuſtody but by the name of the office, naming him ſherife in the obligation, this upon condition that the party ſhall appear at the day and place in the writ or warrant ſpecified, and if any obligation bee taken by colour of their office in any other form it is voyd, 23. H. 6. c. 10.

And ſheriſes ought to take no more but 4. d. for making of any obligation, warrant, or precept, by the ſame Law.

And ſherifs ought to make proclamation when they have received letters for the levying of expence of the knights of the Parliament, at the next County-court after the receipt of theſe Letters: and the Coroners ought to bee there to ſeſſe the wages, upon paine of 40. ſ. and they ought to aſſeſſe every Hundred at a certaine ſumme by it ſelfe, and after every village within the Hundred with a certain ſum: and if they doe it otherwiſe, they ſhall forfeite for every default twenty pound, and he that will ſue ſhall have the moity thereof with treble damages. 23. H. 6. c. 11.

And every ſherife after the receipt of the Kings writ for ſummoning of the Parliament for the election of Knights for the Parliament, ought forthwith to make out his warrants under the ſeale of his office, to every Major and Bailifes of Cities and Boroughs within the County, commanding them thereby to chuſe Citizens and Burgeſſes,

geſſes to come to the Parliament: and thoſe Majors and Bailifes muſt make a lawfull returne of that precept to the ſherife by Indenture made betweene them and the ſherife, of their election, and of their names which are elected: And the ſherife muſt ſet his hand and ſeale of Office to the one part of the Indentures, and then deliver it to the Major or Burgeſſes, or Citizens to bee kept, and to the other part the Major, and Citizens, or Burgeſſes muſt ſet their hands and ſeales, and deliver it as their deeds, to the ſherife to bee certified and returned by him with the writ of ſummons to the clerk of the Crown, who will have 4. ſ. for his fees for every Indenture, as I do take it.

The form of an Indenture for the Knights of the Parliament.

THis Indenture made in the full County of South. held at the Caſtle of Winch. Munday the laſt day of May, the yeare, &c. betwixt F. P. *Knight, Sherife of the County aforeſayd of one part, and* C. H. *Knight,* H. D. *Eſq; and* D. B *Eſq; &c. and many other perſons of the County aforeſayd, and Electors of two Knights, to the Parliament, in the Writ to this Indenture annexed ſpecified, of the other part: who as the greater part of the whole County aforeſaide, then there being, ſworne and examined, according to the force forme and effect of diverſe Statutes thereupon put forth and provided, choſe* H. W. *and* E. M. *Knights within the County aforeſayd Commorant, girt with ſwords, Knights able and moſt fit and diſcreet, giving and granting to the two aforeſayde Knights full and ſufficient power for themſelves and the whole County aforeſayd, to doe and conſent to thoſe things which at the Parliament in the ſayd Writ contained by the Common Counſell, &c. ſhall happen to bee ordained, in buſineſſes in the ſayde Writ ſpecified. In teſtimony of which, the one part of the Indenture remaining with*

with the Keepers of the Libertyes of England by authority of Parliament, the parties aboveſayde have put their ſeales, to the other part of the ſame Indenture, the aforeſayd Sherife has put his ſeal. Dated the day, year and place aboveſayd, &c.

The forme of the Indenture for the Citizens and Burgeſſes.

THis Indenture made, &c. reciting the day, year, &c. Witneſſeth that by vertue of a Warrant to mee directed from Sir F. P. Knight, Sherife of the county of Southampton. for the electing and chooſing of two Burgeſſes, men of good underſtanding, wit, knowledge, and diſcretion, for cauſes concerning the Weale publique of this Nation, to bee at the high Court of Parliament to be holden at the City of Weſtminſter, the 27 day of October next comming, I *I. F.* Major of the Burrough of C. in the County of S. with the whole aſſent and conſent of the reſt of the Burgeſſes there, have made choice and election of H. M. of the Middle Temple Eſquire, and W. S. of L. Eſquire, to bee Burgeſſes of our ſayd Burrough of C. to attend at the ſayd Parliament, according to the tenor of the ſayd Warrant to me directed in that behalfe. In witneſſe whereof I have to theſe preſents ſet our common ſeale of our ſaid Burrough, the day and yeare firſt above written.

A Sherife ought not to execute the office of a Juſtice of Peace during the time that hee is Sherife, 1. M. *cap.* 4.

Where any man by diſſimulation, flattery, or by any cunning, ſlight, meanes, or practiſe doe make themſelves to be beloved of any ſole woman, as maide, or widow, which maide or widow have great poſſeſſions, or great ſtore of goods or money, and to deceive them of it, and to gaine it for themſelves, doe by fraud gaine the poſſeſ-

ſion of ſuch woman, and doe convey and keep them in ſuch places where they will not ſuffer them to goe from them at liberty to diſpoſe of their owne as they liſt, unleſſe ſuch maide or widdow will enter into Bond or Statute to pay ſome great ſumme of money; or elſe bind them from marriage with any but ſuch as they will nominate and appoint, for remedy hereof it is ordained, that the party ſo bound ſhall have a Writ in the Chancery, containing all the matter of ſuch unreaſonable dealing, called a ſpeciall Supplicavit directed to the Sherife of that County where ſuch wrong is offered, commanding him thereby to make proclamation at his next County Court after receipt thereof, that the defendant appeare at a certaine day and place prefixed in the ſayde Writ before the Lords Commiſſioners of the great Seale, or before the Judges of Aſſiſe of that County, or before ſome other perſon aſſigned by the ſaid Lords Commiſſioners, and the ſherife is bound to execute ſuch Writs according to the tenor of them, upon paine of 300. l. the one moity thereof to the Keepers of the Liberties of England by authority of Parliament, and the other halfe to him that will ſue by action of Debt, where no wager of Law, protection or forreine plea ſhall be allowed, by the Statute of 31 H.6.cap 9.

Upon information made to a Juſtice of P. or other Juſtices againſt any perſon for retaining or giving livery to any, or againſt any which is retained, the Juſtices ought to make proces upon this information as upon a recovery in debt or treſpaſſe, and the Sherife ought to returne no leſſer iſſues in any ſuite brought hereupon againſt any perſon that is ſufficient, then 20. ſ. at the firſt day upon the diſtreſſe, and at the ſecond day 30. ſ. and at the third day 40 ſ. and ſo at every day after, more by ten ſhillings in iſſues, upon pain for every retorn 20. ſ. *ann.8.Ed 4 cap.2.*

The ancient Sherifes may returne Writs, and execute their office during the Termes of Saint *Michael* and *Hilarie* after the yeare their office is ended, if they bee not before

before that time lawfully diſcharged of their office, 17. *Ed.* 4. *cap.* 7.

No Sheriſe or any other Officer ought to releaſe or take from any perſon arreſted or impriſoned for Felony, his goods, untill the ſame perſon arreſted or impriſoned bee duely convicted and attainted of the ſame Felony by due courſe of Law, *viz.* either by tryall, confeſſion or outlawry, upon paine to forfeite the double value of the goods ſo taken, to the party grieved, to be recovered by action of debt, wherein no wager of Law, eſſoine, or protection lyeth, *an.* 1. *R.* 3. *cap.* 3.

Sheriſes which have the cuſtody of the Gaole, ought to certifie the names of their priſoners which are in their cuſtody for Felony, to the Juſtices of the next generall Gaole delivery in a Kalender, upon paine of a hundred ſhillings for every default, *an.* 3. H. 7. *c.* 3.

Alſo a ſheriſe nor no other perſon in his name, or by his commandement, ſhall enter any plaints into their Bookes in any mans name, unleſſe the plaintife bee there in his proper perſon, or elſe by his ſufficient Attorney or Deputy, that is well knowne to be of good name and behaviour, and the Plaintife ought to finde pledges, ſuch perſons as are knowne in the Court to purſue his plaint. And a Plaintife ſhall have but one plaint for one Treſpaſs, or one contract, and if the Sherife, or any of his Officers cauſe to bee entred any more plaints then the Plaintife hath cauſe of Action for, then the ſherife or his clerk that doth contrary to this act, ſhall forfeite for every default 40. ſ. the moity to him that will ſue and prove the ſame matter by action of debt or information.

Alſo the ſherife ſhall make ſufficient Precepts after ſuch plaints entred, but not before, againſt the defendants, directed to the Bailife of the Hundred, to attach or warne the defendant to appeare at the next County Court, and anſwer to the ſayd plaints, and if there be any default in the ſayd Baylifes in the execution of their offices according to the tenor of their precept, then they are to forfeite forty ſhillings, and to be convicted there-

of

of by examination of the Juſtices of P. or by any of them.

Alſo the ſame ſherife, nor his deputies ſhall make any extracts to levy the ſhire amerciaments, untill that two Juſt. of P whereof one to bee of the *Quorum*, have the ſight of their bookes, and the extracts to be indented between the Juſt. of Peace, and the ſherife and underſherife, ſealed with their ſeales, the one part thereof to remain with the ſayd Juſtices, and the other part with the ſherife, for his warrant to levy the amerciament by.

And that thoſe perſons that ſhall be gatherers of the ſayd amerciaments, ſhall be ſworne by the ſayd Juſtices, That they take no more money than is forfeite, and certified in their extracts, ſealed with the ſeales of the Juſtices to the ſame, upon the ſame paine of forfeiture as is above rehearſed, to be convict by examination of the ſame Juſtices, or one of them. And the ſame Juſtices of Peace ſhall bee appointed at the ſeſſions holden at *Mich.* by him that is *Cuſtos Rotulorum*, or in his abſence by the eldeſt of the *Quorum*, to have the controlement of the ſayd Sherifes, Underſherifes, Shire-Clerks, and others of their ſayd Officers, and the ſayd ſherifes amerciaments, and the ſayd Juſtices of Peace upon ſuggeſtion ſhall make proceſſe againſt the Sherife, Underſherife, Shire-clerk or other officers, to appeare before them to anſwer ſuch ſuggeſtion or information, as is uſed in action of Treſpas, by the Statute of 21. H. 7. *cap.* 15.

Alſo every Sherife upon a precept to him directed from the Juſtices of Peace to return them a Jury to enquire of any Ryot, or unlawfull aſſembly committed, ſhall returne foure and twenty perſons dwelling in the Shire, every one of them having 20. ſ. *per annum* of Freehold, or 26. ſ. 8. d. *per annum*, copyhold, or of both, beſides all charges, and to returne in iſſues upon every perſon which maketh default, twenty ſhillings at the firſt day, and at the ſecond day forty ſhillings, and if default bee in the Sherife for returning of perſons inſufficient, or for not returning of Iſſues in forme aforeſayd, then hee

doth

doth forfeite twenty pounds, *anno* 19. *Hen.* 7. *cap.* 13.

Alſo if any Ryot, or unlawfull Aſſembly be in any part of the Nation, the Juſtices of Peace, or two of them at the leaſt, and the Sherife, or Underſherife may come with the power of the County, if need bee, and arreſt and reſtraine ſuch miſdoers, and theſe Juſtices and the Sherife have power to record that which they finde done in their preſence againſt the Law. And ſuch miſdoers ſhall be convict by that Record: And if they be gone before the coming of the Juſtices and the Sherife, or underſherife, then the ſame Juſtices, or two of them, ought diligently to enquire thereof within one moneth after ſuch Ryot or Aſſembly made, and if the truth cannot be found out within one moneth then next inſuing, then thoſe Juſtices, or two of them, and the Sherife or Underſherife, ſhall certifie the Keepers of the Liberties of England by authority of Parliament therof, and of all the circumſtances thereof, which Certificate ſhall bee as an Indictment of twelve men, whereunto they ſhall be compelled to anſwer, *anno* 13 *H.*4. *cap. ultimo.*

And if the ſayd Ryot or unlawfull Aſſembly bee not found by reaſon of any Imbracery or maintenances of the ſayd Jury, then the ſayd Juſtices of Peace, and the Sherife, and Underſherife, over and beſide ſuch Certificate that they muſt make, according to the Statute of *an.* 13. *H.* 4. ſhall in the ſame Certificate certifie the names of the ſame Maintainers and Imbracers in that behalfe, if any be, with their miſdemeanours that they know, upon paine of every the ſayd Juſtices, and Sherife, and Vnderſherife twenty pound, if they have no reaſonable excuſe for non certifying of the ſame: which certificate ſo made ſhall bee one Indictment in the Law, and every perſon duely proved to bee a Maintainer or Imbracer ſhall forfeite twenty pound, and be committed to Ward there, to remaine by the diſcretion of the Juſtices, *Anno decimo nono Hen. ſept. cap.* 3.

Alſo that no Sherife upon Writs and Precepts directed unto him to returne before Eſcheators or Commiſsioners ſhall

ſhall returne any perſon to enquire of any lands or tenements, except he have lands or tenements of the yearly value of forty ſhillings, above all charges in the ſame ſhire, upon paine of forfeiture for every perſon ſo returned, an hundred ſhillings, *anno* 3. H. 8. *cap.* 2.

Alſo all pannels put in by the Sherife before any Juſtices of Gaole delivery, or before Juſtices of Peace, whereof one to bee of the *Quorum* in their open Seſſions, to enquire for the Keepers of the Liberties of England by authority of Parliament, may be reformed by putting to, and taking from, of the names ſo impannelled by diſcretion of the ſame Juſtices, and that the ſame Juſtice or Juſtices ſhall command every Sherife and their Miniſters in their abſence to put other perſons in the ſame pannels by their diſcretion, and the ſame pannel ſo returned by the Juſtice to bee good, and if any Sherife doe not returne the ſame pannels ſo reformed, then every ſherife ſo offending ſhall forfeite twenty pound, half to him that will ſue by action of Debt, bill, or complaint, where ſuch ſhall happen to bee, and no wager of Law, Eſſoine, or Protection to be allowed, *tertio Henr. octavi cap. duodecimo.*

Alſo upon every Exigent where Writs of Proclamation are to bee awarded, the ſame Writ of Proclamation is to have the ſame day of returne that the Exigent hath, and to be delivered of Record by the Exigenter of every ſhire. And the ſherife is to make a Proclamation three ſeverall dayes in his county, whereof one proclamation is to be made at the generall Seſſions in thoſe parts where the party is ſuppoſed to be dwelling, there to yeeld his body to the ſherife of the forreine ſhire, that that ſherife may have the body at the day of the returne of the Exigent to anſwer to the plaintife. And that the ſherife of the County that hath ſuch writ of proclamation duely execute, and returne the ſame, at the day, upon paine to forfeit ſuch amerciament as by the Juſtices before whom the ſaid Writs ſhall be returnable ſhall be aſſeſſed. *Ann.* 6. H. 8. c. 4.

Alſo

Alſo Sheriſes which have the cuſtody of goales ſhall make ſeales to be graven with the name of the Caſtle that they keepe for to give and ſeale letters to priſoners acquitted to beg for their fees within the hundred where they be delivered by the ſpace of ſix weekes next after their delivery, and then to goe to the Hundred where they laſt dwelled by the ſpace of three yeares, or where they were borne: the Sherife ſhall not ſuffer ſuch priſoners to begge for their fees, nor to depart out of priſon to doe ſervice and labor, untill he deliver to them ſuch letters, and the Clarke of the Peace is to make ſuch letters within one day after the Seſſions, when ſuch priſoner is acquitted, upon pain of 12.d. to the keepers of the liberties of England by authoritie of Parliament by the ſtatute of 22. *H.* 8. *cap.* 21. *&* 5. *El. ca.* 4.

Sheriſs ought to keep their County court everymoneth if it hath bin accuſtomed to be ſo kept. *Magna chart. c.* 33.

The Keepers of the liberties of England by authoritie of Parliament command that Sheriſes and their Officers which receive the debts, ſhall acquit the debtors upon their account when they have received the debts, and then it ſhall be allowed upon their accompts in the Exchequer: and if the Sherife do otherwiſe, and be thereof convicted, he ſhall then pay three times ſo much as he hath received to the party grieved, and alſo be fined at the Keepers of the liberties of England by authoritie of Parliament pleaſure, *Weſtm.* 1. *ca.* 20.

Sheriſes and other which have levyed the Keepers of the liberties of England by authority of Parliament debts, and given acquittances to the debtors, and yet doe not acquit them, it is accorded and ſet downe for a Law, that when the Sherife is impleaded for it in the Exchequer, if he come not in upon the firſt diſtreſſe, then ſhall goe out another with proclamation, which muſt bee made in full county, that the defendant doe come in at a day certaine, and acquit the debtor of the money which he did receive, and if he come not in then, he ſhall be convicted by default, and the debt levied upon

upon him as a debt recovered againſt him in the Court of exchequer and the plaintife ſhall have therein damages according to the diſcretion of the Barons, by the ſtat. of 14. *E.* 3. *c.* 1.

And it is the Keepers of the liberties of England by authoritie of Parliament commandement, that all Sherifes and Bayliſes which have receiued their debts of the ſummons of the exchequer, if they acquit not the debts upon their account, that then they ſhall be puniſhed according to the ſtatute *de Diſtrictionibus Scaccarij ca.* 5.

And it is ordained that execution of writs which are brought to Sherifes, ſhould be done by the Bailifes of hundreds ſworne and known, and in full county, and not by others, unleſſe thoſe Bailifs will not, or cannot execute them, then they are to be done by other conuenient perſon or perſons ſworne by the ſtat. of *Lincolne cap. ultimo.*

No Sherife ſhall ſuffer a Barretor to maintaine any actions or quarrels in their Countie Courts, nor ſtewards of great men or others, which is not Atturney to his Lord or Maſter; nor they ſhall not pronounce judgements there, unleſſe they be thereunto required by all the ſutors, *Weſtm.* 1. *ca.* 23

It ſhall be lawfull for every Sherife, Juſtice of Peace, and Eſchea'or to ſeiſe to the Keepers of the liberties of England by authoritie of Parliament uſe all ſuch goods and chattels as Egyptians have, within their charge, and thereof to giue an account to the keepers of the libertie of England by authority of Parliament in the exchequer for the moitie thereof, and to detaine and keepe the other moitie to his owne uſe, and to pay no fees for the account, nor for the charge thereof.

In theſe ſtatutes it appeareth what things Sherifes ought to doe by reaſon of their office, and that they ought to take nothing for doing of their office, but that onely which is appointed for them to take by the ſame ſtatutes, if they doe otherwiſe, it is extortion in them, and it ought to bee inquired of by the Ju.of P. and by them puniſhed accordingly.

And

And it is ordained by the ſtat. 1. H. 4. *c.* 5. that if any ſherife doe any extortion to the people, and thereof be duelyattainted, that he ſhall be puniſhed for the ſame extortion at the Keepersof the liberties of England by authoritie of Parliament will.

A Sherife may and ought at his turnes to enquire of common Nuſances done to all the people of this common wealth, but not of Aſſaults made to a ſole perſon *Per Martin Anno quarto Hen. ſexti, octavo Edw. quarto, quinto.* Dyer 234.

A Sherife ought to keepe his turnes within a moneth after Eaſter, and within a moneth after *Michaelmas*, and if he keepe it at any other time after the moneth, it is void by the Statute of 13. *Ed.* 3. *cap.* 19, and all indictments and preſentments taken there after the monethes are expired, are void by theſtatute of 38. H. 6.

A Sherife may inquire of blood ſheds in his turne, for if any thing be omitted in a leete, it may be enquired of at the Sherifes turn, for all leets were derived and taken out of the Sherifes turne, *Paſch.* 8. *Ed.* 4. 26. 43. *Ed.* 3. *&* 20. *E.* 3. 3.

And all the Juſtices were of opinion, that a Sherife hath authoritie to enquire of all things in his turnes, that is either treſpaſſe or felony at the common Law, except of the death of man, but he cannot enquire of treſpaſſe or felony by ſtatute in his turne, 28. *E* 3. 95 21. *E.* 4.

If a Sherife inquire of Nuſance in his Turne, and it is there found, which ſhould have beene inquired of in a Leete: now the Sherif cannot diſtraine for his amerciament, for if he doe, he is a treſpaſſor. But if default bee in the Lord of the Leet, for that he did not inquire thereof, it ſeemeth then that the Sherife by the Lords default may inquire thereof in his turne, 28. *E.* 3. 95. 2. 9 *E.* 3. 27. 10. H. 21 *E.* 3. 3.

If a man have a Faire or a Market by grant or by preſcription, and doth not keep his faire or market as he ought to doe, the Sherife may inquire of this in his Turne.

Vpon

Vpon a preſentment of a Nuſance in the ſherifes turn, the offendor ſhall be amerced, there the ſherife may diſtraine for that amerciament. And if a Purpreſture bee preſented there, the ſherife may abate it and returne it *Paſc' 25.E.3.*

It appeareth by Maſter *Britton*, that all the Freeholders and Terre Tenants inhabiting within the Hundred, ought to come to the ſherifes Turn, none excepted, but Knights and Clergy men, their wives and children. And there, twelve at leaſt of the ſufficienteſt Freeholders within the Hundred ought to bee impanelled and ſworne to inquire and preſent all things there inquirable, and preſentable, and all the reſt which appeare there, ought to be ſworne by the dozeners and villages to preſent to the ſayd Jury all ſuch things as ſhall bee given them in charge, and it ſeemeth that the ſherife ought to keep his turne in every hundred within his County, and there puniſh all things which have been omitted at the Leets or law dayes there.

Alſo by the ſame Law it ſeemeth, that they ought to inquire there of petty Treaſons, Homicides, Rapes, Robberyes, Burglaries, and of all manner of Felonyes by the Common Law, and of all other things inquirable at a Leete, according to the ſtatute of 18. *Ed.2.de Vic.Franc. Plag'*.

And when the dozeners and villages have delivered their preſentments to the ſayd Jury, and the Jury, when they are agreed of their Preſentments, then they muſt give up to the Steward or Court-keeper ſuch preſentments, as they will ſtand to, and avow, and if there be any of Felony, they muſt deliver up theſe by themſelves to the ſteward privily, and the reſt openly.

But this Court is now almoſt out of uſe, ſince ſherifes have uſed to ſell both their ſherifwickes, and bailiwickes to men of meane eſtate that will not regard the good of the Common wealth, but altogether their owne private gaine and profit, whereby the Keepers of the Liberties of England by authoritie of Parliament are many times much

much wronged, and deceived, betweene the Vndersherife, and the Bailifes, of all their waifes, ſtraies, and felons goods, which are taken up by the Bailifs, and never accounted for, which may touch the Sherife in his credit and reputation, for when he entreth into his account for the payment of the Keepers of the Liberties of England by authority of Parliament debts, he is then ſworne to anſwer and account for all waifes, ſtraies and felons goods, debts, perquiſites, and profits which he ſeldome or never knowes of, becauſe thoſe ancient Courts are not kept as they ought to be, and therefore how he may diſpence with his oath herein is the queſtion.

There is a Writ in the Regiſter, *fol.* 174. whereby a Sherife may remove all his Bailifes of Hundreds, Wapentakes, Tythings, and Liberties, which have not Lands or Tenements ſufficient within the Countie. And ſherifes bailifes one yeare, ought not to be in that office in three yeares after, by the ſtatute of 1 *H.* 5. *cap.* 4. becauſe by their continuall being in that office, they grow ſo cunning that they are able to deceive both the Keepers of the liberties of England by the authority of Parliament, the ſherife, and the countrie.

And ſherifes bailifes ought to be ſworn to the Keepers of the liberties of England, by authority of Parliament, to exerciſe their office duly and truly by the ſtatute of 27 *Eliz. capitul.* 12.

The nature of Executions, and of how many ſorts they are.

THey are of ſix ſorts or degrees, *viz.* upon a Statute Merchant, a ſtatute Staple, a Recogniſance, an Elegit, a *Capias ad ſatisfaciend.* and a *fieri fac'*. and a ſherife cannot lawfully break any mans houſe to do execution upon any of theſe juſtifiable, except the Keepers of the liberties of England by the authority of Parliament be a party, for every mans houſe is his ſafeſt refuge, as hereafter

after ſhall appeare. If a man be bound in a ſtatute Merchant, execution ſhall be done thereof thus. Firſt a Writ of *Certiorare* muſt be ſued forth of the *Chancery*, directed to the place where the Statute was acknowledged, to certifie the acknowledgement of the ſtature into the petty bagge office in the *Chancery*, and upon that certificate ſhall goe out a *Capias* againſt the body onely, *ſi laicus ſit*, returnable in the Court of Common pleas, or in the upper Bench: And upon the returne of that, with the ſherife of that ſhire to whom it was directed, that hee is a Lay man and is not found in his ſhire, then within a quarter of a yeare after ſhall goe out an Exigent againſt all the cogniſors lands and goods, and againſt his body, and for your better ſatisfaction herein, ſee the Statute *de Mercatoribus* 37. *Hen.* 6. *fol.* 6. and *Fitzherbert* 130. *G.*

A ſtatute ſtaple muſt bee certified in the like manner as ſtatute Merchant, and upon that ſhall goe forth a writ of execution, both againſt body, land, and goods, returnable in the Chancery in the Petty bagge office there, and not in the Court of Common pleas, or upper Bench, as the Writ of execution upon a ſtatute Merchant ſhall: and upon the returne of this Writ ſuch lands and goods as are taken in execution ſhall be delivered to the cogniſee by the ſherife by another Writ called a *Liberate*, and not before. And note that all the Fee ſimple lands, which the cogniſor had at the time of the acknowledging of the ſayd Statute, or at any time after, are lyable to both the ſayd ſtatutes, but no intailed Land, but during the cogniſors life, nor no copihold land, nor no goods, nor leaſes for life, or years, but ſuch as the cogniſor hath in his owne uſe and poſſeſſion at the time of the execution done, *Fitz.* 131. *D.*

Note, that if a ſtatute ſtaple be returned and filed, the cogniſee can have no *Liberate* into any other county. 2 *R.* 3. *fol.* 7.

Vpon a Recogniſance there ſhall not goe out a *Capias*, but

but *Scire fac.* returnable in the Chancerie, and upon the returne thereof they doe uſe to award a *Capias* or *Fierifacias*, or an *Elegit*, at the choice and election of the cogniſee. 48. *E.* 3. *fol.* 14.

By an *Elegit* the ſheriſe may take in execution one halfe of the land of the cogniſor, and all his goods, beſides oxen and beaſts of the plow. A *Capias ad ſatisfaciendum* is onely againſt the body, which the Sheriſe muſt be ſure to keepe ſafe, or elſe he may perhaps pay the debt, if his priſoner doe eſcape either with his leave or conſent, after that he is once in execution, for then the Sheriſe hath ſmall remedy or none at all, but if he doe eſcape againſt the Sheriſes will, and without his conſent, then the ſheriſe may take him againe if he can finde him by the ſame Writ before the returne thereof, or by another after, though it be in another ſhire, ſo that he be followed with freſh ſuit, and taken againe before the action brought by the plaintife againſt the Sheriſe, for the eſcape, however the Sherife in this caſe may have his remedy againſt his priſoner by his action upon the caſe, if he be able to make him ſatisfaction, otherwiſe he may keepe his body, and his priſoner in this caſe ſhall not be delivered by *ſuperſed* upon *audita querela*, becauſe he cannot take any benefit of his owne wrong. But otherwiſe it is when a priſoner eſcapes with the conſent of the Sheriſe or goaler, for then he ſhall have and maintaine if he will in *Audita querela* againſt a Sherife, or a goaler, as appeareth in my Lord *Cookes* 3. Booke of Reports *fol.* 43. & 44. in *Boytons caſe there.*

And in my Lord *Cookes* ſaid third booke of Reports, it is reſolved for Law, That if a Sheriſe die in the time of his Office, having divers perſons in his cuſtody, and after a new Sheriſe is choſen in his place, in this caſe it behoves the new Sheriſe to take notice at his perill of all the executions which are againſt any perſon which hee findes in the Goale, and that is a matter of neceſſitie, for in that caſe there is no man in *rerum natura* to deliver the priſoners unto him.

Alſo in the ſame caſe it is reſolved, that if a Sherife die in the time of his office, and before another bee appointed to that place and office, a priſoner which was in the priſon in execution, breakes the priſon, and ſo is at large, this is no eſcape, and the reaſon is there alledged, becauſe when the ſherife died, all his priſoners were in the cuſtodie of the Law, vntill a new ſherife was choſen, and ſet in his place. And therefore although that the priſoners be in the *interim* out of the walls of the priſon, yet the Law hath the cuſtodie of them, and preſerves them in execution without any freſh ſuit made after them, whereſoever they be, and they may be fetched againe in execution at any time after, if they can bee found, and no eſcape in this caſe can prejudice the plaintife.

Note alſo that if a priſoner die in execution before payment or ſatisfaction made to the plaintife for his debt for which he is in execution upon a *Capias ad ſatisfaciend.* in this caſe the pl. ſhall have an *Elegit* againſt the defendants lands and goods, if he had any lands, in fee ſimple, at or any time after the Judgement was had againſt him, or any goods at the time of his death. And it is *Bloumfields* caſe, in the fift booke of ſir *Edward Cookes* Reports, *f.* 87. and *Fitz. nat. br. fo.* 245.

Alſo when a man is in the Sherifes cuſtody by the proces of Law, and after another Writ is delivered to the ſherife againſt the body of him which is then in his cuſtody, the ſherife in this caſe muſt be anſwerable for his priſoner, although he doe not arreſt him by the ſecond Writ, by the judgment of the Law, for *Lex non præcipit inutilia*, And this in *Froſts caſe* in the fifth booke of Reports, *fol.* 89, and with this agreeth 7. H. 4. 30.

If a *Capias*, *viz.* a meane proces be executed and not returned, the arreſt is tortious and a wrong, for the arreſt is made to that end that the def. ſhould appeare to anſwer to the plaint his action, but in all Writs of execution except an *Elegit*, if the execution be duely done, although the Writ be never returned or filed, it is no great

great matter if the pl. have his demand; for then he hath no cauſe to proceede any further herein: but in caſe of an *Elegit*, becauſe the extent is to be made by an Inqueſt, and not by the Sheriſe alone, that ought to be returned, or elſe it is nothing worth, as it appeareth in *Hoes caſe* in the ſaid 5. booke of Reports, *fol.* 90. and by *Fulwoods caſe* in the 4. booke, *fol.* 65.

Alſo it is reſolved in *Seymans caſe* in the ſaid 5 booke of Reports *fol.* 91. that a mans houſe is to him his Caſtle, as well for his defence againſt injurie and violence, as for his reſt and repoſe, and that a ſheriſe cannot juſtifie the the breaking of any mans houſe to execute a *Capias ad ſatisfaciendum*, or a *Fieri fac*, but if he doe, it is at his peril, and he is therein a treſpaſſer, if the Keepers of the liberties of England by authoritie of Parliament be not a party, for every mans houſe is his ſafeſt refuge: but if the Keepers of the liberties of England aſo reſaid be a party, then the Sheriſe may juſtifie the breaking of a houſe to doe execution of his proces, if he cannot otherwiſe execute his proces, but firſt he ought to make requeſt to open the doore by the ſtat. of Weſtm. 1. c. 17. & 41. of the Aſſiſe *placit.* 17. if hee breake the doores when hee may enter otherwiſe, yet in the ſaid *Seymans* caſe, it is reſolved, That a ſheriſe upon an *habere fac' ſeiſinam* or *poſſeſſionem* may breake a houſe and deliver ſeiſon and poſſeſſion thereof to the plaintife, and the reaſon therein is, becauſe that after judgment, it is not the defendants houſe in right and judgement of Law.

Alſo whether it be for felonie or ſuſpition of felonie, the Keepers of the liberties of England by authority of Parliament officer may breake another mans houſe to apprehend a theeſe, and that for two reaſons, *viz.* one for the good of the Common-wealth, and the other is for the ſervice and duty which he owes to the weale publique, for in every felony, the common-wealth hath an intereſt, and where the common-wealth hath any intereſt, the Writ is A *non omitt propter aliquam libertatem*, and therefore the liberty or priviledge of any mans

houſe will not hold againſt the Keepers of the liberties of England by authoritie of Parliament but where the common wealth, hath no intereſt, but onely a common perſon. A Sherife although he make requeſt to open the doores, and deniall is made, if he ſhould then breake them, and ſo enter and doe execution; that men in the night as well as in the day, ſhould have their houſes broken upon any fained matter, for although that a Sherife be an Officer of great authority and truſt, yet it appeareth by daily experience, that all or the moſt part of the Keepers of the liberties of England by authority of Parliament Writs, are executed, and ſerved, by underſherifes and Bailifes, which moſt commonly are perſons of ſmall value and account. And all the authorities which doe prove that when the Proceſſe concerne the aforeſaid Keepers of the liberties of England, that the Sherife may then breake the houſe of any man to execute them, if otherwiſe hee cannot execute them, implyeth that at the ſuit of a common perſon, the houſe cannot be broken juſtifiably, and with this reſolution agreeth the booke in 6. *Edw.* 4 *fol.* 9. A *fieri facias* is onely againſt the goods and chattels of a man, as moveable goods, or Leaſes for yeares, and the ſherife had need to be very carefull how, and after what manner he doth execute this Writ, leſt he burne his fingers, for if the goods or Leaſes which he taketh in execution be not the defendants owne goods, or Leaſes, although he may finde them in the poſſeſſion of the defendant, which is the beſt colour in Law to prove them, his, if he uſe them and take the profit and benefit of them as appeareth in *Twynes* caſe in ſir *Ed. Cookes* 3. booke of Reports.

Alſo ſometimes it doth fall out, that the goods and chattels which a Sherife upon ſuch a Writ taketh in execution, are not the defendants, and then the Sherife is a treſpaſſer to the Owner of the goods, as if the Lands be pawned to the defendant, they are none of his untill the day of the redeeming of them be paſt, 34. H. 8. *Pledges*, & 28. & 4. *Edw.* 6. *diſtr.* 75. So if a man *bona fide* make

a

a Leaſe of his Oxen for yeares, and after is condemned in a perſonall Action, theſe Oxen during the time ſhall not be taken in execution, 22. *E.* 4. *fol.* 10.

In debt where three are bound jointly, and ſeverally, and three Judgments are had againſt them, in this caſe if execution be done againſt one of them, the others ſhall have a *Superſedeas*: But in Treſpas againſt three, execution againſt one of them ſufficeth not, and the ſame Law is in a joynt debt, 4. *El. fol.* 39.

If goods taken in execution upon tryall are found to be none of the defendants, then the Sheriſe ſhall pay damages to the owner of the goods, to the value of the goods ſo taken, and coſts of ſuit, although he hath delivered them to the plaintiſe in execution, if he have returned his Writs, that he hath taken ſo much goods of the defendants, and that he hath theſe monies ready to tender &c. to the plaintiſe, then he is at a double miſchiefe; for although the value of the goods be recovered againſt him by the owner of the goods, yet the plaintiſe in the action may within the yeare after execution done, have a *Scire facias* upon the judgment and returne, and thereby compell the Sheriſe to bring the money into the Court, and after the yeare he may have an action of debt againſt the ſheriſe for it, if he be not otherwiſe ordered by the Court where the Judgment is depending. And therefore in this caſe the ſureſt courſe for the Sheriſe, is either to keepe the goods untill the parties bee agreed, or elſe to take good ſecurity of the plaintiſe to defend him and ſave him harmeleſſe, and to ſtay the returning of his Writs, untill he may be well adviſed what to doe therein, for if he take a bond of the plaintife, it is queſtionable whether it be good or no in Law, and not with in the compaſſe of the ſtatute of 23. H. 6. to be taken *color. officii: ſed hoc quere.*

It is reſolved in *Mirtons* caſe in my Lord *Cookes* 4. booke of Reports, *fol.* 33. *&* 34. that both the County C, and the goale are appertinent and belonging to the Sheriſes office, and ought not to be ſevered, no more

than the Sheriſes turne from the office, and it was the opinions of *Poph.* and *Anderſ.* the 2. L. chiefe Juſtices, and with that agreeth the Judgments of the Parliament *ann.* 14. *E* 3. *ca.* 10.

Now next I will ſay ſomething as concerning a ſheriſes account, which will trouble him moſt of all, if he be never ſo skilfull therein, it is ſo tedious and ſo chargeable, for if he get by his office, he will goe nigh to bee ſtripped cleane out of his paying of Exchequer fees, and other extraordinarie charges which he cannot avoid, as experience hath taught me, and there is no way to helpe it as I thinke, but by an act of Parliament, and therefore it is no marveil that the Underſheriſes make ſhipwrack of their conſciences, to catch what they can to ſave themſelves, and that which they had before they entred into that office, for what betweene ſome of their high ſheriſes coveroufnes in taking money for their office: and extremitie ſhewed to them and their ſureties upon every light and ſmall occaſion, and the extreme taking of ordinary and extraordinary fees of Exch. men, a poore underſheriſe is ſtripped out of all that ever he hath, or can make, if he doe not hedge ſo, as he may be ſtill in action every yeare, as a Fox is ſtripped out of his skinne; and yet few or none will pittie him, for in every Court where he is called in queſtion, the name of the underſheriſe is ſo odious, and many times not without juſt cauſe, that oftentimes an honeſt man is condemned to be a knave; before he is heard ſpeake for himſelfe; nay, he is ſo odious (I meane a lewd extorting underſheriſe) that a Theefe by a generall Pardon, receives more favour then he can, for a theefe is thereby pardoned of all felonies, for the which he might have the benefit of his Clergie, although he cannot reade, but all miſdemeanors committed by an underſheriſe, are commonly excepted out of the Generall pardon, which is ſomewhat harſh, that all ſhall be condemned for ſome, for there is never an Officer the Keepers of the liberties of England by authoty of Parliament have, taketh more paines, and undergoes

goes more perils, and doth the Keepers aforeſaid better ſervice, than an honeſt, underſtanding and a carefull underſherife doth, but commonly theſe doe die beggers, by reaſon of the cauſes before alledged.

The entrance into the Sherifes Account.

FIrſt, in Hillarie Terme next after they are out of office, the high Sherife and underſheriſes of moſt Shires are ſworne to yeeld and give a juſt and true account to the Keepers of the liberties of England by authoritie of Parliament and their officers in the publique Exchequer, which they ſhall be charged withall, by the greene wax of the Exchequer, and of all wayſes, ſtreyes, and felons goods, which happened within the compaſſe of their office, and of all other profits whatſoever, due and belonging to the weale publique, and chargeable by them to anſwer for, by reaſon of their office, or much to this effect. Now when this is done, the high Sherife commonly takes no further care, becauſe he thinkes himſelfe ſecure, by reaſon of his ſecuritie which he hath of his underſherife, for thereupon he relyes, and ſeldome or never remembers what oath he hath taken, and ſo commits all to his underſherife; then if his underſherife be a carefull and an honeſt man and have skill and regard to doe his beſt endeavour to levie the Keepers of the liberties of England by authoritie of Parliament debts, and to pay them into the receit duely and orderly, as they ought to be, then the high Sherife may doe well enough, and therein diſcharge both his oath and and his Oath and dutie, but if otherwiſe, a lewd, or an ignorant underſherife, may both undoe his high Sherife, and himſelfe, both in this world, and in the world to come, by *totting* and *nichling*, that is, in charging or diſcharging, unorderly, unhoneſtly, or or ignorantly, for if if be totted, that is charged, though it can never be levied: it will now hardly be avoided, but it muſt be paid, and if it be nichiled, if it be iſſues of Ju-

rours

rours, though they be never so bad, and cannot be levyed, betweene the old Sherife which returned them, and the new sherife which nichiled them, they must bee payed, though it be seven yearer after, if there come no pardon in the meane time, by an old Statute made in the 27 yeare of *Ed.* 1. and to prevent this, it behoves all Sherifes before they take upon them to returne any Jurors, to get them a perfect booke of all the sufficient Freeholders names in the shire, and especially of all which dwell in the gildable, howsoever they doe of those which dwell in liberties, but of both is best, that the one may help the other, and to returne few or none that be meane Freeholders in the gildable, lest by the sayd Law they bee enforced to pay their issues for them, which is a thing very hardly to be brought to passe, unlesse the Justices of P. in every quarter of the countrie, do cause the Constables and Bailifs to bring a true certificate thereof to the first quarter sessions that shall be holden in the shire, after the election of the new sherife, to be delivered unto him there, and this will hardly bee done, unlesse the Judges of Assise of every shire will be pleased to write their letters to that end and purpose to the Justices of peace of every division.

Now next the Undersherife must go to the forren Apposer, and with him hee must either tot, nichil, or set over into liberties all the debts and sums of money contained in the summons of the green Wax, and in the Extracts of the P. of the Co. where hee was Vndersherife, wherein he must be very careful what he doth, lest he do that which he cannot undoe againe, and to prevent the danger thereof, his best way is to examine his book which hee is to make of all the charge contained in his summons and scedules before and with the Baylife of the shire to have their direction, which are good debts, and which are not, and which are in liberties, and which are not, if he himselfe doe not know it before he come to his account, and then make his booke accordingly, and then he shall be the better able to perform the duty of an honest man, when hee comes to his Apposals; but herein

if

if the Sherife know not well the Country, and the Keepers of the Liberties of England by authority of Parliament debtors himſelfe, hee is many times abuſed by the Baylifes, who moſt diſhoneſtly will miſ-informe him, and for bribes and rewards which they receive of the Freeholders, will tell him that they are either long ſince dead, or nothing worth, when as they are living, and very ſufficient, and they will alſo ſerve him ſo, with the Recogniſances, and by that meanes diſhoneſt Bailifes doe cauſe Sherifes to deceive the Keepers of the liberties of England aforeſayd of many of their debts by their ignorance againſt their wills, in truſting of the reports and informations of their Baylifes; and this cannot bee helped unleſſe the Sherifes will levy the Keepers of the liberties of England by authority of Parliament mony themſelves, which they cannot poſſibly doe, by reaſon of their other buſineſſe, or had truſty ſervants about them to do it truly and honeſtly, withour grievance of the countrey, as it ought to be.

A Particular of the ordinary Charges of the Accompt of the *Sherife of the Countie of Southhampton*, heretofore uſed to be *payed*, *as followeth.*

Termin. Sanctι Hil. Cro. Purificationis, when he entreth into his Account.

IN primis, to his Atturney in Mr. *Osbornes* Office, for his warrant of Atturney, ij.s. vj. d.

Item, to him for his fees, and I cannot tell for what elſe, xxx.s.

Item, to his man for his fees, vj.s. viij.d.

Item, to another in that office for entring of that warrant. xij. d.

Item, to the punie Baron for miniſtring of the oath, ij.s.

Item to the Cryers and Tipſtaves there, xx.s.

Item to the *Marſhal* then and there, vj.s. viij.d.

Item to the forreine Appoſer for his fee, iij.li. x.s.

Item to his men, x.s.

Item to the Clerke of the Extracts for his fee, xx.s.

Item to his men, x.s

Item to his Atturney in the pipe for his fees, v.li

Item.

Item to his man for his fee, xx.s.
Item to the deputy of the Pipe for his fees, xxiij.s. iiij.d.
Item to the Controuler of the Pipe for his fees, xxvij.s. vj.d.
Item to his man for his fee, x.s.
Item to Maſter *Orms* of the Pype for his fees, xvij.s. viij.d.
Item to the Baron for the Appoſell upon the ſummons of the pype, x.s.
Item to him for his fee for the vicontels, x.s.
Item to his man for his fee for the ſame, v.s.
Item to his Atturney in the remembrancers office for his fee, iij.s.iiij.d.
Item to his man, iij.s.vj.d.
Item for a Writ of Aſſiſtance from your Atturney in M. *Osbornes* office, v.s.vj.d.

Inprimis to the Maſter of the Pype for his fee, xviij.li. v.s. *Termino*
Item to the Ma. of the Wardrop for his fee, v.li. *Paſchæ.* xj.s.ix.d.
Item to him for a Tally to have thereby an allowance given for it. xvj d.
Item for joyning of that Tally in the Pype, iij.s. iiij.d.
Item for Maſt. *Elſons* fee for the forreſt of *Westbeare* in *Hampſhire*. iij.li.x.d.
Item for the Earl of *Pembrookes* fee for *Burley* wall in the new Forreſt in the ſayd County, ix.li.ij.s.vj.d.
Item to Sir *Wil. Kingſmill* for his fee and reparations of *Freemantle* Park in the ſayd County, xxix.li.xvij.s. v.d.ob.

All theſe five laſt payments are allowed upon the Sheriffes account, out of the Keepers of the liberties of Engl by authority of Parliament mony, which otherwiſe ſhould be payd to them.

Item to the forren Appoſer for his fee for allowance of

of Justices wages to the Sherife upon the Extracts of the Peace, xl.s.

Item to his men for their fee, xiij.s.iiij.d.

And herein the Sherife of the sayd County is wronged by the Clerk of the Peace of the sayd County, for the Clerk of the Peace there receives all the fines, and payes the wages, and if there be any surplusage he puts it up in his owne purse, and the Sherife payes it into the Exchequer, and never hath it, because the fines are all certified in the Extracts of the Peace, and many times the fines doe exceed the wages of the Justices which are allowed to the Sherife for the wages, for hee is allowed but foure shillings a day a peece for eight Justices, and therefore accounting the fees which hee payes to the Officers in the Exchequer for his allowance, he is a great loser by it, and the Clerk of the peace goes away with the gains, therefore this would be remedyed.

Item to the forraine Apposer for casting up of the *debet* upon the scedules of the green wax, v.s.

Item to the Auditor assigned for the Shire, for declaring of the account, x.li.at the least.

Item to the Atturney of the Pype for giving allowance of the Justices wages, before allowed by the forraine Apposer in the sherises account, xiij.s. iiij.d.

Item to him for giving allowance of *Essons* acquitance, vj.s.viij.d.

Item to him for the foot of the Accompt, xxxiij.s.iiij.d.

Item to his man for his pains taken therein, x.s.

Item to the Baron for declaring of the account, vj.s.viij.d.

Item to his man for his fee, ij.s.

Item to his Atturney in the remembrancers office for examining of the account, v.s.

Item to one of Ma. *Osbornes* office for receiving of the account, v.s.

Item for copies of the seisures which the sherife makes himselfe in his yeare, in M. *Osbornes* office commonly at the least, v.li.

Item for copies of the new seisures on the remembr-

sides,

ſide, according to the number of them, but commonly they come to about xx.s.

Item you muſt leave with your Attorney in M. *Osborns* office in part of payment for making your petition upon your account, for they will coſt you iiij.s. a peece, and you may perhaps have C. x.li.

Item for another Writ of Aſſiſtants there, v.s.vj.d.

Item for entring the view of the account in M. *Osbornes* office, vj.s.iiij.d. *Termino Trinitatis.*

Item in the alienation office for viewing of the account and for a note of the charge there, iij.s. iiij.d.

Item if the ſherife take the benefit of a generall pardon, then he muſt goe to the Clerke of the Extracts to have ſcedules made of all ſuch iſſues as are pardoned, and they will coſt him for every ſcedule (as I remember) xx. d. which may come to foure or five pound, or thereabours

Item to the Clerk of the Extracts man for his paines therein, xiij.s.iiij.d.

Item then to a Baron for allowiug of them, xiij.s.iiij d.

Item to the Barons man, iiij.s.

And this muſt all goe out of the Sherifes purſe, without any allowance : and it is better then to oppreſſe the country when they may bee eaſed by the pardon. For if the Sherife levy any, he muſt pay it into the receit, or elſe he is forſworn.

Then if you carried any priſoners by Writ or commandement from the Judges of Aſſiſe, you muſt goe to the chiefe Judge of Aſſiſe for his warrant, and get your allowance under his hands as good cheape as you can, for ſome of his men will have money of you for it, x.s. at the leaſt.

And then when you have his hand for it, you muſt goe to the Chancellor of the Exchequer for his hand to it, and his man will looke to have for his paines therein taken, at the leaſt x.s.

Alſo in the Alienation office it will coſt you for making of

of the bond and acquittance, with the ſcedules of ſeiſures againſt ſuch as have ſold land held of the Commiſſioners without lycenſe of alienation, x.ls.vj.d.

Item for a Warrant for a day to finiſh the Account untill Mich. terme, which now will hardly be gotten without extraordinary favour, xl.s.

Item to the Atturney in the Pype office, for ſetting off from the account ſix amerciaments, xx.s.

Item to his man for his pains therein to be taken, x.s.

Item payd for diſcharging the amerciaments in M. *Orbornes* office, xx.s.

Item for a warrant to ſet off and diſcharge in Sir *Henry Fanſhawes* office, xij.s.vj.d.

Item for another Writ of Aſſiſtance, v.s. vj.d.

Item to the Marſhal for liberty if the Sherife cannot go thorow with his account in Trinity Term, iiij.li.vj.s. viij.d.

Item to his man, vj.s. viij.d.

Item to Miſt. *Osborne* for ruling of your Petitions, xl.s.

Item more to his Atturney in the ſayd office for making the petitions, v.li.

Item to his man for his pains taken therein, xl.s.

Item to the Miſter of the Pype for his fee, xiij.s.iiij.d.

Item to the Controuler of the Pype for his fee, xxx.s.

Item to his man, xxij.s.

Item to your Att. of the pype for his fee, v.li.

Item to his man, xxij s.vj.d.

Item for the acquittances of two tallies in the receipt iij.s.

Item for ſtriking of thoſe tallies, iij.s.iiij.d.

Item for joyning and allowing of another tally, for payment of a debt *de remanent. compoti*, v.s.

Item to two Auditors for caſting up of a ſherifes account in the Court when he is to be caſt out of the Court, x.s.

Item to the Baron then, xx.s.

Item to his men, vij.s.

Item to the Marſhall then, vj.s.viij.d.

Item to the Tipſtaves and Cryers then, x.s.

Item to the Clerke of the Pype for Receuſants, xxx.s.

Item

Item for allowing and joyning of the tally for Recusants debts 6 s.

Item to the Baron for respects for Recusants debts 30s.

Item to the Cleark of the Pipe for Recusants for allowing of that warrant 10 s

Item to the Master of the Pipe for the same 3.s.4.d.

Item to the bagg-bearer 12.d.

Item for the *Quietus est* to the Sheriffes Atturney of the Pipe 3.l. 6.s.8.d.

Item to his man for his paines taken therein 20.s.

Item for the *Quietus est* for the Recusants 20.s.

Cum multus alus quæ nunc præscribere longum est. Et sic quietus est.

Summa totalis, &c.

All these sums are paid, besides all his charges and fees which he laies out and disburseth in the year that he is Sheriffe, which comes to a great deal more, as experience will teach him.

A Return of Summons of Assises.

Return of Writs.

BY vertue of this precept to me directed, I made to come before the Justices under written, at a day and place within contained, all the Writs of Assises and Juri s, certified in the County of S. under written, before whatsoever Justices, as well by the divers Writs of the L. P. and M. lately King and Queen of England, as by the divers Writs of The Keepers of the Liberties of England by Authority of Pa liame t, together with the Pane s, Attachments, Reattachments, and all others helps of Assises, the Juries, and those Certificates what way soever concer-

ning. I have also made to come before the foresaid Justices to the Gaol of the Keepers aforesaid, of the Castle of Winch, *assigned for the delivery out of Prisons there, at the day aforesaid, all Prisoners in the Gaol aforesaid, being together with their Attachments, Re-attachments, and all other helps those prisoners any way concerning, and of the visne of every Town and place, where the felonie for which the prisoners stand indicted, appealed or arraigned was committed, as well within the liberties as without, twenty four good and legal men, by whom the truth of the matter may be known and inquired such as are not of any affinity with the prisoners; together with four men, and the chief of the town and place of those, to do those things which then and there to them of the part of the Keepers of the Liberties of* England *by Authority of Parliament, now shall be enjoyned. Publickly also have I proclaimed through my shire, that all those who will pursue against those prisoners, that then and there they shall be as just it may be to prosecute. Also I have made known to all Coroners, Justices of peace, Seneschals of Lords and great men, Bailies of Liberties and Hundreds of the County aforesaid: That there they be with their rolles, records, indictments, and other their memorandums, to do those things which to their offices belong, as within is commanded me.*

The residue of the execution of this precept, appears in certain scedules to this precept annexed.

R. O. Esq. Sher.

And the warrants which the Sheriffe must make by vertue of this Precept for the summoning of the Assises to the Bailiffes of Liberties, and Bailiffes of Hundreds, must contain in them the whole substance of this Precept, but whether it be in Latin or English, it is not materiall, so that it be in due form: And it is needfull that the Sheriffe keep for himself a particular note of the names of such persons as he nominateth

minateth in his warrant to be ſummoned to ſerve in the grand Jurie, and not to leave it to the diſcretion of Bailiffes to put in and out whom they liſt in that ſervice.

The form of a Warrant.

Ss. RObert O. *Eſq. Sheriffe of the County aforeſaid to the Baily of the Liberty of C, or the Baily of the Hundred of A. greeting. By vertue of a certain precept directed to me, I require thee, that thou cauſe to come before* L. T *and* L. H. *Juſtices of Aſſiſe in the County aforeſaid, to the Aſſiſes at the Caſtle of* Winch, *the tenth day of* Auguſt *next to be held, ſeveral perſons under written, to do thoſe things which then and of the part of the Keepers of the Liberties of* England *now, ſhall be to them injoyned. Publiquely alſo proclamation make thou, thy whole Bailiwick through, that all thoſe who will purſue againſt the priſoners in the Gaol of the Keepers of the Liberties of* England, *and of the County aforeſaid, be there againſt them as juſt it ſhall be to proſecute; Alſo known make to all Coroners, Juſtices of Peace, ſeneſchales of Lords and great men, that then there they be with their Rolls, Records, Indictments, and other memorandums, to do thoſe things which to their ſeveral Offices belong. And that thou thy ſelf beeſt then there, to do all thoſe things which to thy office belong, together with this precept under the peril incumbent: Given under the Seal of my office ſuch a day and year, &c.* R. O. Eſq. Sher.

Then here at the end of the Warrant under, the Sheriffe muſt ſet down the names and dwelling places of ſuch as he will have warned to ſerve in the grand Jurie in particular, and keep a note of them, that he may be able to ſhew to the Court, if need ſhall require, who he had determined to have returned for that ſervice if they had come, and if the fault fall out to be in the Bailiffe, then he ſhall be puniſhed, and the Sheriff excuſed.

Return of Summons to the Sessions of peace.

BY vertue of this Writ to me directed, I have caused to come before the Justices under written at the Castle of Winch, *&c. within specified, the day, year, and place within contained all Constables, and Bailies of Hundreds within the County specified. Also from every of the said Liberties and Hundreds, twenty four Jurors to do those things which of the part of the Keepers of the Liberties of* England *to them then and there shall be injoined, And also I have made known to all Constables, Bailies of Hundreds of the County within written, that then there they be, having with them all the names of Artificers, Labourers, and servants in husbandry within the Hundred aforesaid, against the form of the Statute thereupon put forth and provided, And moreover sufficient proclamation within my Shire have I made, that all those, who as well for the Keepers of the Liberties of* England, *&c. as for themselves, against such like Artificers, Labourers, and servants any complaints against the form of the Statute and Ordinance aforesaid, will complain or prosecute, that then there they be, their Bills to prosecute, and justice there to undergo, if they see it expedient for them, as within to me is commanded.*

R. O. Esq. Sher.

The Warrant must begin in the same form as the other, *that to come you cause before the Justices of the publick peace in the County aforesaid at, &c. all Constables, &c.* according to the substance of the matter contained in the Writ, and to conclude it as the other is concluded.

The return of this Writ is sometimes thus.

THe execution of this Writ appears in certain Pannels to this Writ joyned or annexed. R. O. Esq. Sher.

Return

Return of the Writ Originall in debt or treſpaſs, if the defendant be infufficient.

Pledg. of profec. { I.Doo. R.Roo.

The within named H. B. *and* C.D. and if there be more defendants than two, then you muſt name but one, *and the reſt of the defendants within named, nothing have within my Shire, by which they may be ſummoned,* if it be debt, but if it be in treſpaſs, then it muſt be *by which they may be attached,* or *he may be,* if it be but againſt one defendant,

R. O. Eſq. Sher.

Return of *Capias al.* and *plur.*

THe within named A.B. *is not found in my Shire (And if there be three then let it be) And the reſt of the defendants within named are not found in my Shire.*

R. O. Eſq. Sher.

Return of Exigent

BY vertue of this Writ, directed to me at my County held at the Caſtle of Winch, *in the County of* S. *within written,* Munday, *&c. viz. the twentieth day of* I. *the year &c. within written,* I. C. *and the reſt of the defendants within named, (if there be above two) firſt were exacted and appeared not, At my County of* S. *there held on* Munday, *viz. the twentieth day of* A. *the yeare aforeſaid, the aforeſaid* I. C. *and the reſt of the defendants within named the ſecond time*

were exacted and appeared not, At my County of S. *there held, on* Munday, *viz. the tenth day of* S. *the year aforesaid, the aforesaid* I. C. *and the other defendant within named, the third time were exacted and appeared not, At my County of* S. *there held, viz. the twelfth day of* O. *the year aforesaid, the aforesaid* I C. *& the rest of the defen. within named, the fourth time were exacted and appeared not, And at my County of* S. *there held on* Munday, *viz. the third day of* N *aforesaid, the aforesaid* I. C. *and the rest of the defendants within named, the fifth time exacted were and appeared not, therefore* I. C *and the rest of the defendants within named by judgement of* I. W. *and* W. R. *gent. Coroners of the Commonwealth, of the County aforesaid, according to Law and Custom of the Commonwealth of* England *outlawed are, and every of them is outlawed.*

R. O. Esq. Sher.

Return of the Writ of Exigent with superseded.

BY vertue, *&c. at my County of* S. *there held on* Munday, *viz. the twentieth day of* A. *the year aforesaid, the aforesaid* I. C. *was the fourth time exacted and brought to me the Writ of the Keepers of the Liberties of* England, *&c. of superseded. and it is to this Writ annexed. For which to the farther executing this Writ I have superseded all together, as to me in this Writ is commanded*

R. O. Esq. Sher.

Return of the Writ of Exigent where one renders himself, and all the others appear not.

BY vertue, *&c. at my County of* South. *there held on* Munday, *viz. the tenth day of* A. *aforesaid, the aforesaid* I. C. *and the rest of the defendants within named the fifth time exacted were, at which day the aforesaid* I. C. *appeared,*

appeared and himself rendred to the prison of the Keepers of the Liberties of England, *of the Castle of* Winch, *whose body before the Justices within written, at the day and place within contained ready I have, as within to me is commanded, but the rest of the defendants within named appeared not, therefore, &c. as above.*

He that has rendred himself, languishes in prison.

At my Court, &c. the aforesaid I. B. *has appeared, and rendred himself to the prison of the Keepers of the Liberties of* England *of the Castle of* Winch, *within the County of S. aforesaid, and in the same prison now remains languishing, by divers infirmities withheld, so that because of the weakness of his body and danger of death he cannot be carried, and therefore the body of* I. B. *aforesaid, before the Justices within written at the day and place within contained, for the present have I cannot, according to the form of this Writ.*

Return of the exigent where one renders himself, another brings a Supersed. the third is dead, and the fourth waved.

By virtue, &c. at my County of S. *there held on* Munday, *viz. the tenth day of* A. *the year aforesaid,* I. H. R. S. A. C. *and* D. P. *were the fifth time exacted, and the aforesaid* R. S. *rendred himself to the prison of the Keepers of the Liberties of* England, *&c. of the Castle of* Winch, *in the County aforesaid, whose body before the Justices within written, at the day and place within contained ready I have, to do that which the Writ aforesaid demands and requires, and the aforesaid* D. P. *brought me the Writ, &c. of Supersed, annexed to this Writ, so that as to him further proceed I could not, and the aforesaid* I. H. *dead is, and the aforesaid* A. C. *waved, Therefore by the judgement of* I. W. *and* W. R. *Coroners of, &c. of the County aforesaid, the aforesaid* I. H. *is outlawed, and* A. C, *waved.* R. O. Esq Sher.

Return of allowance.

THere were allowed to him four days, at which the within named T.C. *exacted was and appeared not, and further by vertue of this Writ at my County held at the Caſtle of* Winch, *in the County of* T. *within written* Munday, *viz. the eight day of* N. *the year, &c. the aforeſaid* D. *the fifth time exacted was, and appeared not, There fore by judgement, &c. as above, he is outlawed.*

Return of Exigent betwixt two Sheriffs.

BY vertue of this Writ to me directed at my Court of S. *held at the Caſtle of* Winch, *on* Munday, *viz. the tenth day of* A. *the year, &c. the within named* R. K. *exacted was and appeared.* R. O. Eſq. Sher.

This Writ as it is indorſed, to me was delivered by R. O. Eſq. Sher, *of the County within written, my next predeceſſor, in the end of his office, And at my County of* South. *held at the Caſtle of* Winch *aforeſaid, in the County aforeſaid on* Munday, *viz. the tenth day of* D. *the year aforeſaid, the aforeſaid* R. K. *the ſecond time exacted was, and appeared not, &c. as above.*

And if there want Coroners at the Court to give Judgement, Then the Sheriff ſhall return his Writs thus, viz. that becauſe of want of I. W. *and* R. W. *Coroners of the Commonwealth of the County aforeſaid, further proceed he could not,* and then upon this return, the Coroners will be fined for every Writ, unleſs they can make a good excuſe. R. O. Eſq. Sher.

Return of the Writ of Proclamation.

BY vertue of this Writ to me directed at my County of South. *held at the Caſtle of* Winch, *in the County of* South. *within written, the twenty one day of* March *the year,*

yeare, &c. within written, to be proclaimed I cauſed, and at the moſt uſuall door of the Church of B. *within written, on* Sunday, *viz. the tenth day of* April, *the year, &c. immediately after divine Service no Sermon in the ſame Church then and there being, one moneth at leaſt before the ſaid* W. *the fifth time exacted was, to be proclaimed I cauſed, and at the general Seſſion of the Peace held at the Caſtle of* Winch *aforeſaid, in the County aforeſaid, the thirteenth day of* May *the year above ſaid in the parts of* B. *aforeſaid, again I cauſed to be proclaimed, that the within named* B. *ſhould render himſelf to me, as within to me is commanded.*

Ric. M Kn. Sher.

Return of the Writ of *Capias utlag.* betwixt two Sheriffs.

BEfore the comming of this Writ I. M. *Eſq. lately Shr. of the County of* S. *took the within named* T. D. *and in the priſon of the Keepers of the Liberties of* England *of the Caſtle of* Winch, *in the County of* S. *aforeſaid in his cuſtody detained, by vertue of a certain Writ of* capias utl' *to the ſaid late Sheriff directed, which* I. D. *the ſaid late Sheriff together with the ſaid Writ, to me* I. D. *Knight now Sheriff of the County of* S. *aforeſaid, delivered, whoſe body with the Writ aforeſaid, I the aforeſaid now Sheriff, before the Juſtices within written at the day and place within contained ready have, to do and receive what the ſaid Writ ſhall demand and require.*

R O. Eſq. Sher.

Return of the Originall Writ in partition.

Pledges of proſ. { Joh. Den. / Rich. Fen.

Sum. of the within named R. B. and E. his wife { W. H. / I F.

R. O. Eſq. Sher.

Return

Return of the originall Writ in Covenant.

Pledges of prof. { I. Doo. R. Roo.

Sum. of the within named { I. P. Den. Fen.

R. O. Esq. Sher.

Return of Sum. in dower.

Pledg of profec. { I. Doo. R. Roo.

Sum. of the within named. { I. H. I. W. W. D.

And at the Church Parochial of P. *where the within named* A. B. *&c. on* Sunday, *viz. the fourth day of* July *the year within written, immediately after divine service, no sermon then being publiquely, I caused to be proclaimed according to the form of the Statute, as this Writ demands and requires.* R. O. Esq. Sher.

Return of Summons in waste.

Pledges of prof. { John. Doo. Richard Roo.

Sum. of the within named { L. P. William Fen. Richard Den.

And further I R. O. *Esq. Sher. of the County within written, to the Justices within written certifie, that after summons aforesaid, viz. the tenth day of* A. *the year within written being* Sunday *after divine service, in the Church Parochial of* B. *within written, no sermon then there being,*

a

at the moſt uſuall door of that Church Parochiall within which Pariſh the tenements within written ly and are, I cauſed the ſum. aforeſaid to be proclaimed according to the form of the Statute in ſuch caſe ſet forth and provided.

R. O. Eſq. Sher.

Return of the Pone.

Pledges to prof. { Joh. Den. / Rich. Fen.
The within named *A.B.* is attached by his pledges viz. { Joh. Den. / Rich. Fen.

Return of the *Petit Cape* in Dower.

By vertue, &c. ſuch day and year I took into the hands of the Keepers of the Liberties of England *within written the third part of the tenements within ſpecified, with the appurtenancies as within is to me commanded.*

Return of the writ of view in Dower.

To the Juſtices within written, I certifie that by vertue of this writ to me directed, I made the within named A.B. *to have the view of the third part of the tenements within ſpecified, in preſence of* N.C. R.D. W.B. *and* C. D. *four Knights who were preſent at the view, and further I certifie which I ſaid, that the four Knights aforeſaid be before the Juſtices within written at the day and place within contained, to teſtifie that view as by the Writ aforeſaid to me was commanded.*

R. O. Eſq. Sher.

Return

Return of the ſummons of Aſſiſe.

Pledges of proſ. { I. Doo. / R. Roo.

The within named W. L *has nothing in my Shire by which he may be attached, nor is he found in it.*

Otherewiſe where he is attached.

The within named W. L, *attached is by one Cow of the price of* 30 *s.*

If the partie appear not, his Cow is forfeit, and the Sheriff ſhall be anſwerable for the value, and therefore he had need either to keep the goods attached, or elſe to have ſecurity to be ſaved harmleſs therein.

The reſidue of the Execution of this Writ appears in a certain Panel to this Writ annexed.

R. O. Eſq. Sher.

The names of the recognitors of Aſſiſe of Novel diſſeiſin betwixt M.C *plaintiff, and* T. C. *tenant* A.B.C.D.

M. of the ſum. recognitors aforeſaid, and of every of them { I. H. / R. S.

Return of ſummons of a Knight of the Parliament.

By vertue of this Writ to me directed, ſum. I have made to A.B. *Knight, one of the Knights of my County girt with a Sword by* B.T. *and* C.R. *that he be before the Juſtices within written, at the day and place within contained, as this Writ demands and requires.*

F.P. Kn. Sher.

Return of ſummons of Parliament.

The execution of this Writ appears in certain Indentures to this Writ annexed.

The within named { John Doo. / Richard Roo. } A B.

Iſſues —— 20.s.

F. P. Kn. Sher.

Return of ſummons in attaint.

Pledges of proſ. { John Den. / Richard Fen. }

Sum. of the within named { I.N. / John Den. / Richard Fen. }

The reſidue of the execution of this Writ appears in a certain panell to this Writ annexed.

R.O. Eſq. Sher.

The names of twenty and four Knights.

Richard M. of M. Eſq.

T.B. of A. Eſq &c.

Summons of the Jurors a'oreſaid { H.H. / S.S. }

Names of the Jurors of the firſt inqueſt in the Writ to this Panell annexed ſpecifies.

E.M. gent.

H.E. gent. &c.

Pledges of the aforeſaid Jury of the firſt inqueſt. { Tho. Pit. / Will. Fit. }

Return of reſummon.

The execution of this Writ appears in a certain ſcedule to this Writ annexed.

R.O Eſq. Sher.

The

The names of the Jurors of the Jury of twenty four Knights of whom in the Writ to this ſcedule annexed mention is made.

B. M. of N. Eſq.
T. B. of M. Eſq.

Every of the Jurors of the Jury of twenty four Knights aforeſaid, ſeverally reſum. is, by H.R. *and* M. N. *good ſum.*

R. O. Eſq. Sher.

Return of Accedas ad Curiam.

By vertue of this Writ to me directed, in form within written, I came to the Court within written, and in that full Court cauſed to be recorded the plea within written, And that record as it appears in a ſcedule to this writ annexed, I have before the Juſtices within written, at the day and place within contained, under my Seal and the Seals of I. B *&c. four good and lawfull men of my Shire, of them who were preſent at that record, and to the parties within written, that day have I prefixed, that then there they be, in that plea as juſt it ſhall be, to proſecute; as within is to me commanded.*

The ſtile of the Court of Alton.

The Court of Richard T. *Knight, &c. there held the thirtieth day of* March *the year, &c.*

I. S *plains againſt* W. W. *of a plea of taking and unjuſt detinue of his cattell.*

The Bailiffs return of his Warrant to the Sheriff.

By vertue of this precept to me directed, taking with me R. S *&c. four diſcreet Knights of the Hundred of* A. *aforeſaid, I came to the Court of* R. T. *Knight, and cauſed*

to

to be recorded the plea, which is in the ſame Court betwixt I.S. *plaintiff, and* W. W. *defendant. And that Record pat. I have under my Seal, and the ſeals of the aforeſaid four Knights of that Court, of them who at that Record were, and to the parties aforeſaid that day I prefixed, as to me commanded was: in teſtimony of which matter, as well I* R.F. *Bailiff of the Hundred aforeſaid, as the aforeſaid* R.S. *&c. four legal Knights of the Hundred preſent, our Seals have put to.*

R.O. Eſq. Sher.

Return of Recordare.

By vertue of this Writ to me directed, in my full County held at the Caſtle of Winch *in the County of* Southampt. *within written, ſuch day and year, to be recorded I cauſed the plea, of which within is made mention, which plea appears in a certain ſcedule to this writ annexed, and that record I have before the Juſtices within written, at the day and place within contained, under my ſeal, and the ſeals of* W.H E.R. *&c. four good and legal Knights of the ſame County, of them who at that Record preſent were, and to the parties within written that day I have prefixed, there in that plea as juſt it ſhall be to proſec. as within to me is commanded.*

The reſidue of the execution of this writ appears in a certain ſcedule to this writ annexed.

R.S. *plaines againſt* T.E. *of a plea of taking and unjuſt detinue of his Cattel.*

R.O. Eſq. Sher.

Return of Fieri feci upon Fieri fac.

By vertue of this writ to me directed, I have made executions of the goods and chattels of the within named I.H. *of a certain demiſe and grant to the ſame* I.H. *by a certain* T.G. *gent. by his Indenture made for the term of thirty one years, to begin from the firſt day of* July *the year, &c. within*

in

in written as by the Indenture bearing date the ſame day and year, more fully is manifeſt, and appears, of our Meſſuage or farm with the appurtenances, ſcituate, lying and being in L. *in the Pariſh of* F. *within my Shire, called or known by the name of* B. *together with all and ſingular Lands, Medowes, Paſtures, Woods, underwoo's waters, &c. with all their appurtenances, ſcituate lying and being within the Village of the Pariſh and fields of* F. *aforeſaid and* O. *viz. in my Shire, And the aforeſaid demiſe, and all and the whole right, ſtate, title, term of years, poſſeſſion and demand which the ſaid* I.H. *now has, of and in the aforeſaid premiſſes, by vertue or vigor of the ſame demiſe and grant, or otherwiſe, to ſale I have expoſed and ſold to a certain* P.H. *gent. for the ſum of ſeventy ſix pounds thirteen ſhillings four pence, and alſo I have made execution of the other goods and Chattels of the aforeſaid* I H. *to the value of ſixty five pounds ſix ſhillings eight pence, which ſums of monies ſo in form aforeſaid by me levied, in the whole amount to the ſum of one hundred thirty two pounds twelve ſhillings, and thoſe ſums before the Keepers of the Liberties of* England, *&c. at the day and place within contained I have ready, to render to the within named* E.P. *and* I. *his wife in part of ſatisfaction of their loſſes within written, as by this Writ within to me is commanded, and that the aforeſaid* I.H. *no other or more goods or Chattels in my ſhire has, whence the reſidue of the aforeſaid debt of one hundred ſixty five pounds ſix ſhillings two pence, raiſe or levie I may, according to the exigent of this Writ.*

R O. Eſq. Sher.

Otherwiſe upon Nihil haber.

The within named R.B. *Knight, no goods or Chattels, Lands or Tenements, has in my Shire, whence the monies within ſpecified levie I may, as within to me is commanded.*

R.O. Eſq. Sher.

Otherwiſe

Otherwiſe upon *Fieri fac.* execution, and to ſale he has expoſed.

BY vertue of this Writ to me directed, I have levied of the goods and Chattels, Lands and Tenements, of the beneath named R.B. *to the value of two hundred pounds, and thoſe from day to day to ſale have I expoſed, and thence ſold to the value of one hundred pounds, which one hundred pounds at the day and place within contained ready I have, to render to the beneath named* I.W: *as within to me is commanded, and the reſidue of the goods and Chattels aforeſaid, are yet in my hands remaining for default of buyers.*

R.O. Eſq. Sher.

Return of Tarde.

This Writ ſo lately to me delivered was, ſo that becauſe of ſhortneſs of time execute it I could not, as this Writ wills and requires.

R.O. Eſq. Sher.

Return ſpecial upon *Habeas Corpus.*

I R.O. Eſq. Sher. *of the County of* S. *to the Keepers of the Liberties of* England, *&c. at the day and place in this Writ to this ſcedule annexed, contained certifie, that before the coming of this Writ,* A.O. *in the ſaid Writ named was taken within the County aforeſaid by* W. A. *Eſq. lately Sher. of the County aforeſaid, and in the priſon, &c. of the Caſtle of* Winch. *in the County aforeſaid, ſafely under the cuſtody of the ſame lately Sher. detained, by vertue of a certain Writ of the ſaid Keepers of the Liberties of* England *of Cap. againſt the ſaid* A. *gent. witneſs at* Weſtminſter,

the ninth day of Oct. *the year, &c. and return before the Justices of the Common Bench at* West. *the day of Saint* Martin, *fifteen dayes then next following, to satisfie* T. D. *Gent. as well of a certain debt of forty pounds, as of thirty shillings for damages, of which the same* A. *before the Justices at* West. *convict was, The body of which* A. *so taken and in prison aforesaid, under the custody of the said lately Sher. for that occasion being determined, I the aforesaid* R. O. *now Sher. of the County aforesaid, received of the aforesaid lately Sher. in his going out of his Office, and his body, by me of the aforesaid lately Sher. So received in prison aforesaid, safely to be kept have I caused, untill after, viz. the tenth day of* December *the year, &c. I received a certain Writ of the said Keepers, &c. of* Supersedeas *to me directed the Tenor of which Writ follows in these words, The Keepers, &c. by vertue of which Writ of* Superss. *because there was not any other cause to detain the aforesaid* A. *the said* A. *to go at large I suffered, The said Writ of* Capias ad satisfaciendum *notwithstanding, as by the said Writ of* Supersedeas *to me thence was commanded, Therefore the body of the said* A. *before the Keepers at the day and place, in the said Writ to this Scedule annexed contained, ready to have I cannot, as the same Writ wills and requires.*

R. O. Esq. Sher.

Otherwise.

Before the coming of this Writ to me directed, the within named H. H. *committed was, to the Gaol of the Keepers of the Liberties of* England, *&c. of the Castle of* Winch. *in the County within written, under my custody, by vertue of a certain Warrant of* I. C. *and* I. W. *two of the Justices of the peace publick in the County aforesaid to keep, as also*

divers

diverſe Felonies, treſpaſſes, and other miſdeeds in the ſame County committed to hear and determine aſſigned, bearing date the third day of A. *the year within written, for certain treſpaſſes and contempts againſt the form of the Statute for puniſhment of Vagabonds, and for the poor and impotent ſet forth, and this is the cauſe of taking and detaining the ſaid* H. *yet the body of the ſaid* H. *at the day and place within contained, ready I have as within to me is commanded.*

R. O. Eſq. Sher.

Otherwiſe.

THE R. O. *Eſq. Sher. of the County of* S. *to the Juſtices within written certifie, that the bodies of* R. T. *and the reſt of the defendants within named, by me not taken were, but by* W. V. *Eſq. lately Sher of the County aforeſaid, my predeceſſor, and to me by him not delivered in the going out of his office, Therefore the bodies of them before the Juſtices within written, at the day and place within contained have I cannot, as within to me is commanded.*

R. O. Eſq Sher.

Otherwiſe upon languiſhing.

TO the Juſtices within written I certifie, that the within named I. B. *ſo languiſhes in the priſon of the Keepers of the Liberties of* England, *&c. of the Caſtle of* Winch. *in the County of* South. *by divers infirmities withheld, That becauſe of weakneſs of his body and danger of death, him ſafely remove I cannot, therefore his body before the Juſtices within written, at the day and place within contained, for the preſent have I cannot, according to the form of this Writ.*

R. O. Eſq. Sher.

Otherwiſe.

I R.O. *Eſq. Sher. of the County of* S. *to the Keepers of the Liberties of* England, *&c. certifie, that the body of the within named* R.T. *lyes under my ſafe cuſtody in execution at the ſuit of* T. B. *for* 100*l. ret. before the Juſtices, &c. at* Weſtminſter, *from the day of Saint* Michael *one month, therefore his body at the day and place within contained have I cannot, as within to me is commanded.*

R.O. Eſq Sher.

Return of I have required the Baily of the Liberty.

BY *vertue of this Writ to me directed, I have required the Baily of the Liberty of* Thomas Biſhop *of* Winch, *to take and arreſt the within named* I.S. *in form within written, who has the full return of all Writs and precepts, and the executions of them within the Libertie aforeſaid, And that no execution of this Writ by me can be made within that Liberty aforeſaid, which Baily no anſwer to me as yet has given, or thus, who me anſwered, that the within named* I.S. *is not found in his Bailiwick, or thus, that he took the body of the within named* I.S. *whoſe body at the day and place within contained ready he has, to do all thoſe things which this Writ does will and require.*

R.O. Eſq Sher.

Return of the Writ of Reſtitution.

BY *vertue of this Writ to me directed ſuch day & year, &c. within written, the Tenements within written with their appurtenances I have reſeiſed, and to the within named* T. *and* H. *full poſſeſſion and ſeiſin thereupon reſtored, as within to me is commanded.*

R.O. Eſq. Sher.

Return

Return of *Habere fac.* poſſeſſion with *Fieri fac.*

BY vertue of this Writ to me directed the twenty fourth day of May, *the year within written I cauſed to have to the within named* H.H. *the poſſeſſion of his term within written, with the appurtenances, And alſo I have cauſed execution to be made of the goods and Chattels of the within named* W.W. *twenty ſhillings parcel of the damages within ſpecified, and thoſe monies I have before the Juſtices within written, at the day and place within contained to render to the aforeſaid* H.H *as within to me is commanded.*

R.O.Eſq.Sher.

Return of Writ of ſeiſin.

BY vertue of this Writ to me directed the twenty ſixt day of O. *the year within written, I cauſed to have to the within named* N.S. *plenary ſeiſin of and in the tenements within ſpecified, as within to me is commanded.*

R.O.Eſq.Sher.

Return of Writ of Seiſin in Dower.

The execution of this Writ appears in a certain ſcedule to this Writ annexed.

TO the Juſtices of the Common Bench I certifie, that by vertue of the Writ of the Keepers of the Liberties of England *to me directed, and to this ſcedule annexed the tenth day of* A *the year, &c. I cauſed to have to* P.B. *widow in the Writ aforeſaid, named, plenary ſeiſin of the third part of the Manner of* B. *with the appurtenances in the ſame Writ ſpecified, viz. of one Hall and Kitchen of two*

ſpares in the tenure of the ſaid I. *with free ingreſs and regreſs to and from the ſame, alſo the upper part of the Manſion houſe in the tenure of* E.C. *from the entrance toward the South, and of one Cloſe ſeveral, called* H. *containing by eſtimation five acres, and of four acres of paſture lying on the North end of one Cloſe called* B. *and one acre of paſture called* C. *in the Writ aforeſaid ſpecified, to be held by the aforeſaid* P.B. *in ſeveral by metes and bounds, in name of the whole dower of the ſame* P. *to her* P. *contingent of the whole Mannor in the ſame Writ ſpecified, as by the Writ aforeſaid to me is commanded.*

R.O. Eſq. Sher.

Return of Venire fac.

The execution of this Writ appears in a certain Panel to this Writ annexed.

R O. Eſq. Sh.

A.B. *of* E. *Gent. and ſo twenty three others.*

e Pa- *Every Furor aforeſaid by himſelf ſeverally attach. is by pledges.* { John Doo. Rich. Roo.

R. O. Eſq. Sher

Return of diſtreſs of Jur'.

The Execution of this Writ appears in a certain Panel to this Writ annexed.

The Panel. M. *of the Furors aforeſaid and every of them.* { John. Doo. Richard Roo.

The Iſſues of every of them —— 10.s.

R.O Eſq Sher.

Return

Return of *Cap. ad sat'.*

BY vertue of this Writ to me directed, I took the body of the within named A. B. *whose body before the Justices within written, or before the Keepers of the Liberties of* England *by authority of Parliament, in the upper Bench at the day and place within contained ready I have, to satisfie the within named* C. D. *of the debt and dammages within specified, as within to me is commanded.*

R. O. Esq Sher.

Return of Elegit

The Execution of this writ appears in a certain Inquisition to this Writ annexed.

AN Inquisition by Indenture taken at B. *in the County aforesaid, the tenth day of* I. *the year, &c. before me* R. O. *Esq. Sher. of the County aforesaid, By vertue of the Writ of the Keepers of the Liberties of* England *to me directed, and to this Inquisition annexed, By the Oath of* T B. *&c (and so on to twelve more at least) who say on their Oath, that* B. C. *in the Writ aforesaid, named such a day and year, &c. was seised in his demesne as of Fee, of and in one Messuage called, &c with the appurtenances, lying and being in the City of* Winch *aforesaid; now in the occupation of* A. G. *widow of the clear yearly value in all issues over and above the reprises forty shillings, And also of and in one Garden with the appurtenances, called, &c. in the City and County aforesaid, of the clear yearly value in all issues over and above the reprises of twenty shillings, and also of and in one other Messuage with the appurtenances in the County and City aforesaid, scituate lying and being near the Church there, called Saint* Clements *Church, lately the Land of a certaine* R. A. *deceased, now in the occupation*

of B.C. or his assignes, together with all the gardens and ædifices to the same Messuage belonging or appertaining of the clear yearly value in all issues over and above the reprises of five pounds, And also of and in one other Messuage called, &c. in the City and County aforesaid, in the tenure of the aforesaid B.C. of the clear yearly value in all issues over and above the reprises of ten shillings, which all and singular the aforesaid B.C. lately purchased to him and his heirs of certain N.S. and A.L. his wife, one of the daughters of E. coheir of the said R.A. which Messuage in the tenure of the aforesaid B.C. together with a garden to the same Messuage lying and belonging, with all and singular the appurtenances, for the mediety of all the Lands and Tenements aforesaid, I the aforesaid Sher. have caused to be delivered to R.S. in the Writ aforesaid named, to be held to him and his assignes, according to the form of the Statute thence provided as his Frank-tenement, untill his debt of one hundred pounds together with his dammages in the Writ aforesaid mentioned, fully thence be shall have levyed, as the Writ aforesaid wills and requires, And further the Jurors aforesaid on their Oath aforesaid say, that the aforesaid B.C. no other or more has, or after the recognisance of the debt aforesaid, had goods or Chattels, Lands or Tenements, in the County aforesaid within their knowledge: in Testimony of which as well I the aforesaid Sher as the Jurors aforesaid to this inquisition our seals alternately have put the day of A. and place above said, &c.

R.O. Esq. Sher.

Return of an Extent.

By vertue of this Writ to me directed, I have taken the body of the within named W.W. whose body at the

the day and place within contained ready I have as within to me is commanded.

The residue of the execution of this Writ appears in a certain Inquisition to this Writ annexed.

R. O. Esq. Sher

AN Inquisition by Indenture taken at the City of Winchester *in the County aforesaid, the twelfth day of* January, *the year, &c. before me* R. O. *Esq. Sher. of the County aforesaid, By vertue of a Writ of the Keepers of the Liberties of* England *by authority of Parliament to me directed, and to this Inquisition annexed by Oath of* T. B. *&c (as above) who say upon their Oath, that* W. W. *in the Writ aforesaid named the day of the recognisance of the debt in the same Writ specified, was seised in his demesne as of fee, of and in the manner of* A. *in the County aforesaid, of the clear yearly value in all issues, over and above the reprises* 100. *l. and of and in the manner of* C. *in the County aforesaid, of the clear yearly value in all issues over and above the reprises* 100. *l. and further, the Jurors aforesaid on their Oath aforesaid say, that the aforesaid* W. W. *the day of the reconusance of the debt aforesaid, or at any time after no goods or Chattels had, nor other or more Lands or Tenements in the County aforesaid, within their knowledge, which extended, apprized, or into the hands of the said Keepers taken or seised may be, which Mannors, Lands, and Tenements aforesaid with the appurtenances, I the aforesaid Sher. the day of the taking of this Inquisition took into the hands of the said Keepers, by extent aforesaid. In Testimony of which, as well I the aforesaid Sher. as the Jurors aforesaid to this Inquisition our Seals alternately have put, the day, year, and place above said, &c.*

R. O. Esq. Sher.

Return

of B.C. *or his assignes, together with all the gardens and edifices to the same Messuage belonging or appertaining of the clear yearly value in all issues over and above the reprises of five pounds, And also of and in one other Messuage called, &c. in the City and County aforesaid, in the tenure of the aforesaid* B.C. *of the clear yearly value in all issues over and above the reprises of ten shillings, which all and singular the aforesaid* B. C. *lately purchased to him and his heirs of certain* N.S. *and* A.L. *his wife, one of the daughters of* E. *coheir of the said* R.A. *which Messuage in the tenure of the aforesaid* B. C. *together with a garden to the same Messuage lying and belonging, with all and singular the appurtenances, for the mediety of all the Lands and Tenements aforesaid, I the aforesaid Sher. have caused to be delivered to* R.S. *in the Writ aforesaid named, to be held to him and his assignes, according to the form of the Statute thence provided as his* Frank-tenement, *untill his debt of one hundred pounds together with his dammages in the Writ aforesaid mentioned, fully thence he shall have levyed, as the Writ aforesaid wills and requires, And further the Furors aforesaid on their Oath aforesaid say, that the aforesaid* B. C. *no other or more has, or after the recognisance of the debt aforesaid, had goods or Chattels, Lands or Tenements, in the County aforesaid within their knowledge: in Testimony of which as well I the aforesaid Sher as the Furors aforesaid to this inquisition our seals alternately have put the day of* A. *and place above said, &c.*

R.O. Esq. Sher.

Return of an Extent.

BY vertue of this *Writ* to me directed, *I have taken the body of the within named* W.W. *whose body is the*

the day and place within contained ready I have as within to me is commanded.

The residue of the execution of this Writ appears in a certain Inquisition to this Writ annexed.

R. O. Esq. Sher

AN *Inquisition by Indenture taken at the City of* Wincheſter *in the County aforeſaid, the twelfth day of* January, *the year, &c. before me* R. O. *Esq. Sher. of the County aforeſaid, By vertue of a Writ of the Keepers of the Liberties of* England *by authority of Parliament to me directed, and to this Inquisition annexed by Oath of* T. B. *&c. (as above) who ſay upon their Oath, that* W. W. *in the Writ aforeſaid named the day of the recogniſance of the debt in the ſame Writ ſpecified, was ſeiſed in his demeſne as of fee, of and in the manner of* A. *in the County aforeſaid, of the clear yearly value in all iſſues, over and above the repriſes* 100. *l. and of and in the manner of* C. *in the County aforeſaid, of the clear yearly value in all iſſues over and above the repriſes* 100. *l. and further, the Furors aforeſaid on their Oath aforeſaid ſay, that the aforeſaid* W. W. *the day of the recognuſance of the debt aforeſaid, or at any time after no goods or Chattels had, nor other or more Lands or Tenements in the County aforeſaid, within their knowledge, which extended, appriſed, or into the hands of the ſaid Keepers taken or ſeiſed may be, which Mannors, Lands, and Tenements aforeſaid with the appurtenances, I the aforeſaid Sher. the day of the taking of this Inquiſition took into the hands of the ſaid Keepers, by extent aforeſaid. In Teſtimony of which, as well I the aforeſaid Sher. as the Furors aforeſaid to this Inquiſition our Seals alternately have put, the day, year, and place above ſaid, &c.*

R. O. Esq. Sher.

Return

Return of a Recognisance out of the Chancery.

The execution of this Writ appeares in a certain Inquisition to this Writ annexed.

AN *Inquisition, &c. as above. Who say upon their Oath that* E. M. *in the Writ aforesaid named, the day of the taking this Inquisition, was possessed of divers goods and Chattels following, viz. of* Rye *to the value of ten shillings, of* Barly *to the value, &c. and of certain Houshold-stuffe to the value, &c. which goods and Chattels I the aforesasd Sheriff have caused to be delivered to the aforesaid* R. *by precept aforesaid, as by the Writ aforesaid to me was commanded, And further the Jurors aforesaid on their Oath aforesaid, say, that the aforesaid* E. *the day of the Recognisance of the debt, in the same Writ specified, or at any time after, no other or more had goods or Chattels, lands or tenements in the County aforesaid, which to the same* R. W. *in the same Writ named, cause to be delivered I may. In testimony of which, &c. as above.*

R O. Esq. Sher.

Return of Writ of Wast.

The execution of this Writ appeares in a certain Inquisition to this Writ annexed.

AN *Inquisition &c, Who say on their Oath aforesaid, that* H. A. *and* I. *his wife, in the same Writ named, have made wast, sale and destruction in all things in that Writ specified, viz by suffering one Hall of the price of* 30. *s. two Chambers of the price of* 3. *l. one Stable of the price of twenty shillings, to be uncovered for default of reparation of the same houses, and by tempests with rain upon them descending, became*

became rotten and corrupt, &c. against the form of the provision in the same Writ contained, and further, the said Jurors on their Oath aforesaid say, that the aforesaid A. *and* I. *no other nor more waste, sale, or destruction have made, in the houses aforesaid, in Testimony of which, &c. as above.*

R. O. Esq. Sher.

Return of the Writ to inquire of damages in Dower, where the Tenant died seised.

The Execution, &c. as aforesaid.

AN Inquisition, &c. who say on their Oath, that the within named W. K. *the fifth day of* January *the year, &c. at* K. *in the County aforesaid died seised, in his demesne as of Fee, of and in the Tenements within specified, and that the Tenements aforesaid, are of the clear yearly value in all issues over and above the reprises of* 20*s. And that six years and three quarters of one year are passed, from the time of the death of* W. K. *aforesaid, And that the within named* I. D. *has sustained damages by occasion of her dower within specified, to the value of ten pounds, in Testimony of which, &c. as above*

R. O. Esq. Sher.

Otherwise in Trespass.

The Execution as above.

AN Inquisition, &c. who say on their Oath, that W. B. *in the same Writ named, sustained damages in the same Writ specified, and for mises, and his Costs by him about his suit in that part were set twenty shillings, in Testimony of which, &c.* South.

R. O. Esq. Sher.

Return

Return of *Scire fac'*, *ſcire fec'*.

BY vertue of this *Writ* to me directed by A.B. and C.D. good and lawfull men of my *Shire*, I have made to know to A.D. that he be before the *Juſtices* of the Common bench, or before the Keepers of the Liberties of England, &c. or before the Barons of the Eſchequer at the day and place within contained, to ſhew and propound, if what for himſelf he has or to ſay knows why, &c. (according to the matter contained in the *Writ*) As within to me is commanded.

R.O. Eſq. Sher.

Return of *Nihil*, upon *ſcire fac'*.

The within named A. B. has nothing in my *Shire* by which him I might make know, nor is he found in it.

Return of *Deveſtavit* againſt *exec'*.

BY vertue of this *Writ* to me directed, I have taken into my hands diverſe goods and Chattels which were to H.S. at the time of his death, in the hands of the within named R.O. and K. his wife exec'. of the Teſtament of the a ſor ſaid H. to be adminiſtred, being to the value of thirty ſeven pounds parcel of the debt within written, which goods and Chattels remain in my cuſtody for defau't of buyers, and further to the *Juſtices* within written, I certifie, that the aforeſaid R. O. and K. divers goods and Chattels which were to the ſaid H. at the time of his death, to the value of the reſidue of the debt, and the dammages within ſpecified ſold

ſold and waſted, and the monies thence ariſing to their proper uſes converted, ſo that the reſidue of the debt and dammages within ſpecified, of the goods and Chattels of the ſame H.S. *Levie or execute I cannot, And further to the Juſtices aforeſaid I certifie, that the aforeſaid* R. O. *and* K. *his wife, no goods have or Chattels of their goods, and Chattels proper, within my Shire whence the reſidue of the debt and the dammages within ſpecified, or any parcell thence execute I may, as within to me is commanded.*

Return of Replevin upon return to be had of the beaſts.

BY *vertue of this Writ to me directed, to be delivered I have cauſed, to the within named* I.B. *the beaſts which* T.M. *took, and to the ſame* T.M. *in the Court of the Common Bench adjudged were, as within to me is commanded.*

R.O. *Eſq. Sher.*

Return of beaſts eloigned upon ſecond deliverance.

Before the coming of this Writ, the beaſts within written, by the within named T.C. *eloigned were to places to me unknown, ſo that the view of them to the within named* H. *and* T. *to be returned have I could not, as within to me is commanded.*

R.O. Eſq. Sher.

Return of *Withernam.*

BY *vertue of this Writ I took two pots brazen, two skillets brazen, &c. of the goods and Chattels of* I.S. *in this Writ named in* Withernam, *and thoſe to* W.B. *to be delivered I have cauſed, to be had to the ſame* W.B. *untill the aforeſaid* I.B. *the beaſts of the aforeſaid* W.B. *deliver, will, as this Writ wills and requires: and further to you I*

certifie,

certifie, that the aforesaid I. H. *in this Writ named no other goods has, nor chattels which in* Withernam *taken may be or by which he attached he may according to the tenor of this Writ.*

R. O. Esq. Sher.

Return of the Writ of Collect of the 15. and 10. out of the Exchequer.

BY vertue of this Writ to me directed, to know I have caused to the within named A. B. *And also those things which of the part of the Keepers of the Liberties of* England *are to be done, I have given in command to the said* A. B. *concerning the levying and collection of the sixt Quirisme and Disme of six whole Quirismes and Dismes within written, and an Obligation according to the form of the statute within written to the aforesaid* A. B. *to be shown have caused, by him of the part of the said Keepers to bee sealed, and as his Deed to the use of the said Keepers to be delivered, viz. I gave in command: but the aforesaid* A. B. *altogether it to seale, or about the collection aforesaid to intermeddle, refused, and yet refuses, in contempt of the said Keepers, therefore the said Obligation at the day and place within contained have I cannot, as within to me is commanded. And therefore I certifie that to know I have caused to the within named* C. D. *that he about the levying and collection of the said sixth Quirisme and Disme of the aforesaid six whole Quirismes and Dismes within written diligently doe intend, and an obligation according to the form of the Statute within written from the same* C. D. *have I received, and the same in the Exchequer, &c. at the day within contained I certifie, as within to me is commanded.*

R. O. Esq. Sher.

The

The return of a Wood-writ in the Exchequer.

TO the Barons within written I certifie, that P. M. L. S. *&* T. W. *in the ſcedule to this Writ annexed, named no goods have, or Chattels, Lands or Tenements within my Shire, whence the ſeverall debts upon them, and every of them impoſed levy I may, but by vertue of this Writ to me directed, I have levied of the goods and Chattels of* H. L. T. K. *and* I. B. *in the ſaid ſcedule named, the ſeverall ſummes upon them and every of them charged, and thoſe monies before the Barons within written, at the day and place within contained ready I have, as within to me is commanded. And further I certifie, that* I. B. E. A. *and* W. B. *in the ſaid ſcedule named, have alledged, that they have wherewith to exonerate the actions for the ſeverall ſummes upon them and every of them charged, and for this have I taken of them ſufficient ſurety and have prefixed them a day of being here at the Exchequer within written at the day and place within contained as within to me is commanded.*

R. O. Eſq. Sher.

Return of the Writ of Reſpit of Homage oth' Diſtringas in the Exchequer.

M. of the within named A. B { I. Doo. / Rich. Roo.

Iſſues ——— ——— . ——— xx,s. Or according to the value of the Land more or leſſe.

R. O. Eſq Sher.

Return

Return of Seiſure in the *Exchequer* in name of diſtreſs.

BY vertue of this *Writ* to me directed the twentieth day of M. the year, &c. within written fifteenth, into the hands of the Keepers of the Liberties of England, &c. the mannor of S. within written, with the appurtenances in S. in the County aforeſaid, which Maunor is of the clear yearly value in all iſſues over and above the repriſes of twenty pounds of the Land of P.B. in the ſcedule to this Writ annexed named, I have taken alſo into the hands of the ſaid Keepers one gun called a Petronel, with the Flax and touch box of the value of ten ſhillings, in name of diſtreſs of the goods and Chattels of I.C. in the ſcedule aforeſaid, named as this Writ wills and requires, &c.

R. O. Eſq. Sher.

Otherwiſe where *Nihil* is returned.

TO the Barons within written I certifie, that A.B C.D. and the other perſons in certain ſcedules to this Writ annexed named, no goods have or Chattels within my Shire, whence the ſeveral debts upon them charged, or any parcel thence levie I may, nor are they found, nor of them is any found in my Shire, nor are there any Executors of the Teſtament, or laſt Will of the aforeſaid ſeveral perſons, nor adminiſtrators of the goods and Chattels which theirs were, nor any Heirs or Tenants of Lands of the aforeſaid ſeveral perſons or of any of them within my Shire which I might diſtrain, as that Writ wills and requires.

The reſidue of the Execution of this Writ appears in a certain Inquiſition to this Writ annexed.

R. O. Eſq. Sher.

Nihil

Nihil return.

AN Inquisition by Indenture, &c. who say on their Oath that A.B.C.D. &c. in the scedule to this Writ annexed named, several dayes and years in which first debtors they became to the Keepers of the Liberties of England, *&c. or at any time since to this time, no goods had or Chattels, Lands or Tenements within my Shire, which extended or apprized might be within their knowledge, And that dead they are but what day and year, or dayes and years, and where, altogether they are ignorant of, In Testimonie of which, &c. as above.* South.

R.O. Esq. Sher.

Where the Land extendable lies in another County.

TO the Barons within written I certifie, that all the Lands and Tenements which were to the within named N.F. *or to any of his ancestors lie in the County of* S. *and no: in my Shire.*

R.O. Esq Sher.

Commorant in another County.

The within named E.S. *is Sher. of the County of* O. *and is Commorant in the said County of* O. *and is not found in my Shire.*

R.O. Esq. Sher.

Return for the Sheriff himself.

TO the Barons within written I certifie, that I H. W. *Knight, now am Sher. of the County of* S. *therefore my self distrain I cannot, as within to me is commanded.*

H. W. Knight Sher.

Return of the Writ for election of Kn. for the Parliament.

BY vertue of this Writ to me directed, to be chosen I have caused, two Knights with Swords girt, the most fit and discreet of my County aforesaid, viz. W.F. *and* I.S. *which Knights full and sufficient power for themselves and the Commonalty of the County aforesaid, have, to do and consent to those things which at the day and place within contained of the Common Counsel, &c. of* England, *to be ordained shall happen, And the aforesaid* W.F. *and* I.S. *mainprised are by* I.P. W.B.R.D. *and* R N. *to be at the Parliament, &c. at* Westminster *at the day within contained, to do as that Writ shall exact and require, I have made also a precept to* I.P. *and* W.S. *Bailies of the Liberty of the town of* G. *that of the Burrough of* G. *to be chosen they cause two Burgesses of the most discreet and most sufficient, that they may be at the Parliament, &c. at the day within contained, to do and consent as aforesaid. Which Bailies so to me answered, that to be chosen they have caused of the aforesaid Burrough of* G. *two Burgesses, discreet, and the most sufficient to be at the Parliament aforesaid, viz.* S.W. *and* R.W.

The residue of the execution of this Writ appears in a certain Inquisition to this Writ annexed.

R.O. Esq. Sher.

Return

Return of the Writ to receive the order of Knighthood.

BY vertue of this Writ to me directed, as well within the Liberty as without, through my whole Shire publickly to be proclaimed have I caused, that all and singular persons, having Lands, Tenements, or Rents, as within written is, whose names in a certain scedule to this Writ annexed are written, to the presence of the Keepers of the Liberties of England, *about the Feast within written, personally do appear and come, the aforesaid Order to receive, as within to me is commanded.*

F. P. Kn. Sher.

Return of *Rescuous.*

The Execution of this Writ appears in a certain scedule to this Writ annexed.

BY vertue of this Writ of the Keepers of the Liberties of England, *&c. to me directed, and to this scedule annexed, have I made a certain my Warrant, to a certain* I. M. *my Baily itinerant, to take and arrest* E. G. *in the said Writ named, which my Baily by vertue of my Warrant aforesaid, the tenth day of* I. *the year, &c. at* D. *in the County of* S. *aforesaid, took and arrested the body of the aforesaid* E. G. *and then and there, him* E. G. *in his custody had, upon which* F. G. *of* C. *aforesaid, in the County aforesaid gent. and* T. M. *of the same town and County, gent. then and there by force and Armes, viz. with Swords, Ponyards, and Staves, upon my aforesaid Baily assault made, and him my aforesaid Baily then and there, against the Law and Custome of, &c.* England, *&c. and against the will of him my Baily imprisoned, and him my Baily in prison, there by the space of one hour then and there held, and twenty pence in monies numerate of the goods and*

Chattels and pence of him my Baily, from the perſon of him my Baily then and there, the aforeſaid T.M. *took, and the aforeſaid* E. *by force and Armes aforeſaid, then and there out of the Cuſtody of my ſaid Baily took and reſcued, And alſo the ſame* E. *himſelf then and there out of the cuſtody of my aforeſaid Baily reſcued, againſt the will of the ſame my Baily, and againſt the peace publick, and after the ſame* E. *was not found in my Shire.*

R.O. Eſq. Sher.

Otherwiſe by the Baily of the Hundred.

BY *vertue of this Writ have I made a certain my Warrant to* W. H. *Baily of the Hundred of* H. *who thus me anſwered, that where he by vertue of the Warrant aforeſaid, the tenth day of* S. *the year, &c. at* C. *in the County aforeſaid, took a certain* I. S. *and him to the Gaol of the Keepers of the Liberties of* England, *&c. of the Caſtle of* Winch. *would have brought ſafely to be kept, thither came a certain* I.G. *and* R.S. *with many others unknown, by force and Armes, in manner Warlike arrayed, and from the cuſtody of the ſaid Baily at, &c. the aforeſaid* I. S. *took and carried away, and the ſaid Baily would have killed, unleſs the ſame* S. *to eſcape he had permitted, and ſo becauſe of fear of his death, him* I.S. *to eſcape he permitted, And ſo that cauſe the body of the ſaid* I.S. *before the Keepers of the Liberties of* England, *in the upper Bench, &c. at the day and place within contained have I cannot as within to me is commanded. And further I certifie that the aforeſaid tenth day, &c. the aforeſaid* I. S. *was not found in my Shire.*

R.O. Eſq. Sher.

Otherwiſe

Otherwiſe by the Baily of the Liberty.

BY vertue of this Writ to me directed, I have commanded I.S. *the Baily of the Liberty of* D. *in the County aforeſaid, who has full return of all Writs, Precepts, Warrants, to him thence directed, And who ſuch day and year at* P. *in the County aforeſaid,* T. S. *in the Writ to this ſcedule annexed named took, and arreſted, and him* T. S. *in his cuſtody by occaſion aforeſaid then and there had and held, And a certain* I. C. *lately of* S. *in the County aforeſaid Husbandman, gathering to him many other Maleſactors unknown, of the peace of the Commonwealth troublers, to the number of twenty perſons, in manner warlike arraied, by force and Armes, viz. &c. upon him the Baily then and there riotouſly aſſault made, and him beat, wounded, and evil intreated, ſo that his life was deſpaired, And that* I. C. *and the others, &c. him* T. S. *out of the Cuſtody of the ſaid Bailie then and there took and reſcued, and as he liſted at large to goe permitted, againſt the will of the aforeſaid Baily, And the ſame* T. S. *himſelf out of the cuſtody of the ſaid Baily then and there in like manner reſcued againſt the peace publick, &c. and after the ſame* T. *was not found in my Shire.*

R. O. Eſq. Sher.

Return of a Proclamation out of the Chancery.

BY vertue of this Writ to me directed publickly to be proclaimed have I cauſed, within my Shire, that the within named H. *under the pain of his ingagement before the Keepers of the Liberties of* England, *&c. in the Chancery within written, at the day within contained appear, as within to me is commanded, alſo to the Keepers of the Liberties aforeſaid I certifie, that the with in named* H. B *is not found in my Shire.*

R. O. Eſq. Sher.

Return of the Commission of Rebellion.

TO the Keepers of the Liberties of England, *&c. I certifie, that the time of the receit of this Commission, to me and others directed, the within named* W. W. *taken and arrested was by* W. S. *Knight, Sheriff of the County of* S. *by vertue of divers Writs to the same Sheriff directed, and to the Gaol of the said Keepers of the Castle of* Winch. *by the same Sheriff committed was, in which Gaol I the aforesaid* I. W. *the aforesaid* W. W. *by vertue of this Commission him to be attached have caused, as within to me is commanded, but his body at the day and place within contained, have I cannot, because the same* W. *in the same Gaol, under safe custody of the said Sher. for diverse other causes there is detained.*

I. O. Commissi'n'.

The return of a *Dedimus potestatem* to take the Oath of a Sheriff.

BY vertue of this Writ to us directed such day and year, &c. within written, we have received the Oath of the within named R. O. *Sher. of the County of* S. *that office well and faithfully to perform, according to the form of a certain scedule to these presents annexed, as within to us is commanded, and as this Writ exacts and requires.*

W. S. and B. T. } Commiss.

Return

Return of a Writ of Premunire.

BY vertue of this Writ such day and year by I. S. T. W. *and* I. F. *good and legall men of my Shire, to forewarn have I caused* W. K. *Clerk within named, that he be before the Keepers of the Liberties of* England, *&c. at the day and place wheresoever, &c. to do and receive as this Writ shall exact and require, and* I. B. *and the rest of the Defendants within named, nothing have in my Shire, by which them forewarned make I may, no are they found in it.*

R. O. Esq. Sher.

Return of the Writ where a Clerk has no lay Fee.

BY vertue of this Writ to me directed, to the Justices within written I certifie, that the within named T. H. *Clerk, is beneficed in the Bishoprick of* London, *having no lay Fee in my Shire where he may be summoned.*

R. O. Esq. Sher.

Return of the Writ of Election of a Verdour of a Forrest.

TO the Keepers of the Liberties of England *I certifie, that the within named* I. H. *before the comming of this Writ to me directed dead was, and that I after the receit of this Writ, in my full County held at the Castle of* Winch. *in my County, the twenty ninth day of* March, *the year within written, by assent of the same County in the place aforesaid* I. *to be chosen have caused, a certain* N. S. *Esq. Verdour of the Forrest of* B. *within written, to do all those things which to that office belong, as this Writ exacts and requires.*

R. O. Esq. Sher.

Retu

Return of the Writ of Summons before the Justices of the Forrest.

BY vertue of this Writ to me directed, to be summoned have I caused the Arch Bishops, Bishops, Earls, Barons, and all other free-holders who Lands and Tenements have within the metes of the Forrest of the Commonwealth within written, and four men and the chief of every town within the metes of the same Forrest, And also two good and lawfull men of every Burrough within the metes of the said Forrest, bound to come as they ought and were wont, that they be before the Justices within written, at the day and place within contained, as within to me is commanded, publickly also to be proclaimed have I caused through my whole Shire, as well in Burroughes as in other Towns, and in Faires, Markets, and other places publick, that all those who by Charter of the Keepers of the Liberties of England now, or of their Ancestors or Progenitors, or any other manner any Liberties or Franchises hold, or Liberties to have claim, And by what Warrant, That they be before the said Justices at the day & place aforesaid, To be proclaimed also have I caused, that all men attached for Vert and Venison in the Forrest aforesaid, after the last plea of the Forrest aforesaid held, and their pledges and mainpernours, who have day by mainprise aforesaid, to be before the aforesaid Justices, to stand to the right, and to do those things which according to Law of Forrest do they ought.

The residue of the Execution of this Writ appears in a certain Panel to this Writ annexed.

R O. Esq. Sh.

The

The Panel.

Anthon'. B. of C. *gent. and ſo twenty four for the grand Jurie, and twelve for the petty Jurie.*

When any man ſhews the Sheriff his Tallies

BY *vertue of this Writ to me directed, to the Barons within written I certifie, that the Fermors within named, after the receit, to me have ſhown their Tallies of payment of their Ferm within ſpecified, For which I have prefixed them a day to be before the Barons within written, to do and receive upon their Tallies aforeſaid, according to the tenor of this Writ, And therefore the levying of the ſum within ſpecified, I ſuperſ. as within to me is commanded.*

W. V. Eſq Sher.

Return of the Writ to proclaim the Sheriff to render his acccount by the Coroners.

BY *vertue of this Writ to us directed, to the Barons within written we certifie, that in the full County of* S. *within written, held at the Caſtle of* Wincheſter *in the County of* S. *aforeſaid, the twentieth day of* A. *the year, &c. within written, And alſo in the full County aforeſaid at* W. *aforeſaid, the eighteenth day of* September, *the year, &c. as alſo diverſe times after in the County aforeſaid, articulately to be proclaimed have we cauſed, all and ſingular the Articles which in this Writ are contained and ſpecified, as by this Writ to us within is commanded.*

I. W.
W. R gent. } Coron.

R. O. Eſq. Sher.

Return

Return of *Capias* out of the Exchequer, as well of the body as of the Land in name of distress.

BY vertue of this Writ to me directed, to the Barons within written I certifie, that I have taken the body of the within written I.R. whose body before the said Barons ready I have, at the day and place within contained, also the twentieth day of I. the year, &c. within written, I have taken into the hands of the Keepers of the Liberties of England, &c. in name of Distress, certain Lands and Tenements of the within named I. R. lying and being in B. of the yearly value of C s. as this Writ exacts and requires.

R. O. Esq. Sher.

Capias in to our hand a Manner.

BY vertue of this Writ to me directed, to the Barons within written I certifie, that the twentieth day of March the year, &c. within written, I have taken into the hands of the Keepers of the Liberties of England, &c. within specified, the manner within written, with the appurtenances, as within to me is commanded. And if it be with Inquisition for the annual value, then thus is the Writ aforesaid returned.

The residue of the Execution of this Writ appears in a certain Inquisition to this Writ annexed.

R. O. Esq. Sher.

An Inquisition indented taken at, &c. as the Inquisition is before for the form, only putting in the new matter.

Return of the Writ of, who is Tenant out of the Exchequer.

BY vertue of this Writ to me directed, to the Barons within written I certifie, that W. B. and M. his wife, are Tenants of the third part of the Manor within written, in

in three parts to be divided, and C.A.M.E. *and* I.B. *the daughter of* C. D. *deceased, are Tenants of the second part of the Manner aforesaid, in three parts to be divided, and the third part of the Manner aforesaid remains in the custody of the Keepers of the Liberties of* England, *by reason of the Minority of* P.B. *son and heir of the aforesaid* C. B.

M. of the aforenamed W. S' John Doo.

B. and his wife. { Rich. Roo.

R O. Esq. Sher.

Return of a *Venire fac'* out of the Exchequer, or Office of the Coron'. in nature of Summons, where he is insufficient,

The within named A.B. *nothing hath in my Shire by which he may be attached, or where summon him I may.*

The within named A.B. attached is by pledg. viz. { Io. Fen. / Rich. Den.

R.O. Esq. Sher:

The Issues of these 1 *Marks*

And further, if these words be recited in the Writ, As also to show, then in every one ten shillings.

Return of *Distringas* where part nothing has in the Land.

The within named A. B. *nothing has in the Lands, Tenements, and Hereditaments within written, by which him distrain I may:*

Otherwise:

No such manor is there nor any Land or Tenement known by the name of E. *lying in the County of* S. *upon which the Tenants thence distrain I may, as within to me is commanded.*

R.O. Esq. Sher.

Return

Return of *Venditioni Expoſita.*

Kitch. Exponend.

BY vertue of this Writ to me directed, from day to day to ſale have I expoſed thoſe goods and Cattels to the value of C. s. reſid. of the 8. l. which lately of the goods and Chattels, Lands & Tenements of T.E. *within named, I took, and thereupon ſold to the value of* xl. s. *which* xl. s. *at the day and place within contained, ready I have to render to the within named* C.D. *as within to me is commanded. And the reſidue of the goods and Chattels aforeſaid yet in my hands remain unſold for default of buyers.*

Otherwiſe of the return of *vendition'. Exponas.*

TO the Barons within written I certifie, that thoſe C. ſheep in this Writ ſpecified to ſale expoſe I could not, becauſe that yet they remain in the hands of the within named R. N. *lately Sheriff of the County of S. and never to me the aforeſaid now Sheriff; yet by the aforeſaid lately Sheriff delivered were.* R.O. Eſq. Sher.

Return of *Fieri facias*, wherein addition is given to the Defendant.

TO the Barons within written I certifie, that there are divers perſons in my County of the name and ſirname of I K. *viz.* I. K. *of* B. I. K. *of* F. *and* I. K. *of* A. *and that they are not contained in this Writ, of which aforeſaid* I. K. *&c. his goods and Chattels the monies within ſpecified to levy I know not, therefore to the execution of this Writ proceed I could not.*

R.O. Eſq. Sher.

Return

Return of a Writ out of the Court of Wards and Liveries.

After the receit of this Writ, and before the return of the same, severall summes of moneys within written paid were by severall persons within named, to the receiver of our Lord the King of his Court of Wards and Liveries, therefore to the execution of this Writ proceed I could not, as within in to me is commaned.

R. O. Esq. Sher.

The Return of a Significavit.

By vertue of this Writ to me directed, I have taken the body of the within named A. B. *whose body remaines in the prison of the Keepers of the Liberties of* England, *&c. of the Castle of* Winch. *under my safe custody untill to holy Church as well for the contempt as wrong to it don, by him shall be satisfied, as this Writ exacts and requires.*

R. O. Esq. Sher.

The Return of a Signific. with Proclam'.

The within named A. B. *is not found within my Shire, but by vertue of this Writ to me directed in my full County held at the Castle of* Winch, *in the County within written the 15 day of July the yeare within written, publickly to be proclaimed I caused, that the aforesaid* A. B. *within six dayes after that proclamation his body render in form within written, as that Writ exacts and requires.*

R. O. Esq. Sher.

An

AN Inquiſition, &c. who ſay upon their Oath, that W. F. in the ſcedule to the Writ aforeſaid annexed named, is deceaſed; but what day and year, or where, altogether they are ignorant of, and that W. M. alſo in the ſame ſcedule named, is reſident in London, and I. S. is Commorant at B. in the County of W. and A. R. in the town and County of Southampt. without the County of Southampt. and the other perſons in the ſame ſcedule named, do ſo wander and remove up and down the County aforeſaid, that taken or arreſted they cannot be. In teſtimony of which, &c.

South. AN Inquiſition, &c. who ſay on their Oath, that H. S. in the ſcedule to this Writ annexed ſpecifie, no others or more Mannors has in the County aforeſaid, beſides and above the Manor, Lands and Tenements in the ſcedule to the Writ aforeſaid annexed ſpecified, which extended, or into the hands of the Keepers of the Liberties of England, &c. ſeiſed may be. In teſtimony of which, &c.

South. AN Inquiſition, &c. who ſay upon their Oath, that I. W. in the Writ aforeſaid named, the day of the taking of this Inquiſition, was poſſeſſed of a certain demiſe for the term of twenty years of one meſſuage, &c. in A. in the County aforeſaid, with the appurtenances of the annuall value in all iſſues over and above the reprizes of 4 l. which demiſe I the aforeſaid Sheriff the day of the taking this inquiſition, took into the hands of the Keepers of the Liberties of England, &c. In teſtimony of which, &c.

AN Inquiſition, &c. who ſay on their Oath, that a certain day and yeare the late Earle of H. died and where, altogether they are ignorant of, and that he no goods hath, or Chattels in the County aforeſaid, which taken and into the hands of the ſaid Keepers extended may be. And further they ſay, that the aforeſaid Earle of H. the day in which he died, was ſeiſed in his demeſme as of fee, of and in the

the Mannor of C. *with the appurtenances of the clear annuall value in all iſſues, over and above the repriſes of* 25. *l. which Mannor with the appurtenances before the comming of this Writ, I the aforeſaid Sheriff by vertue of another Writ out of this Court iſſuing, and of the part of the Remembrance of the ſaid Keepers of this Exchеq. filed to be ſeiſed have cauſed into the hands of the ſaid* Keepers *by extent aforeſaid. In teſtimony of which.*

Otherwiſe.

THe Vicar. within written with the appurtenances in the hands of the ſaid Keepers, is the Sea of the Biſhop. of Wincheſter, now being vacant.

Otherwiſe.

THat the Manors, Land & Tenements of the lately W. *Lord of* Ware, *in the hands of the ſaid* Keepers *are, becauſe* T. W. *Knight, now Lord of* Ware, *ſon and heire of the aforeſaid* W. *has not ſued his livery out of the Court of the ſaid Keepers, &c. In teſtimony of which, &c.*

The Return of a Writ of Partition.

I R. O. Eſq. Sher. *of the County aforeſaid, to the Juſtices in the Writ to this ſcedule annexed, ſpec. Certifie, That by vertue of this Writ in my proper perſon, the fifteenth day of* F. *the yeare, &c. I came to the Meſſuage in the writ aforeſaid, ſpec. and there by the oath of* A. B, *&c. (to the number of twelve) good and lawfull men of the County aforeſaid, and of viſne in the ſame Writ ſpec. (having reſpect to the*

true

true value of the same messuage, the same messuage with the appurtenances in foure equall parts to be parted I caused, and one part of those parts, viz. &c. to be held to the same H. S. *and his wife in the Writ aforesaid named in severally by metes and bounds in the right of the said* I. E. *Another part thence, viz. &c. to be held to* I. C. *and* E. *his wife in the Writ aforesaid named in severally in the right of the said* E. *and two other parts thence, viz. &c. to be held to the aforesaid* I. C. *in severally in his right proper. And I the aforesaid Sheriff, the day and yeare above said those to be delivered and assigned, have caused, as the same Writ exacts and requires.*

R. O. Esq. Sher.

The

The manner and form how to keep a Court Leet, or a Law-day with all things thereunto appertaining as followeth.

The third Book.

FIrſt the Steward muſt make his precept to warn the Court thus. Altō Weſt brake.

I W. *Gentleman Steward of* R. T. *Knight of his Mannor, or his hundred of* A. *to the Baily of the ſame Mannor greeting; I command thee that diligently warn thou doſt the Court, with view of Frankp'edge of the Mannor aforeſaid, to be held the* 20. *day of* October *next following, about the hour of nine, before noone of the ſame day, at the place accuſtomed; given under my ſeal the twentieth day of* September, *the yeer*, &c.

By me I. W. *Steward there.*

Then enter the Court.

SS. *The view of Frankp'edge, with the Court of* T. *Knight there held on Thurſday*, viz. *the twentieth day of* October, *the yeer*, &c.

By I. W. *Steward there.*

Then cauſe the Bailiff to make three Proclamations, and ſay after the Steward thus.

All maner of persons which are Resiants or Dozoners, and owe suit Royal to this Court Leet or Law day, come in and do your suite, and answer to your names as you shall be called, every man at the first call, upon pain and peril that shall fall thereon.

Then call the free suitors and dozoners one after another thus:

L. G. Gent. come into the Court and do your suit and service, or else you will be amerced, and when you have called them, all those which made default, mark them over the head thus, *Laurence G. is amerced* two pence, and when all the free suiters be called, you must write thus, *They are Freeholders of this manor, and owe suit to this Court, and have made default, therefore every of them is amerced as it appears upon their heads.*

Then the Steward must cause the Bailiffs to make three Proclamations, and then to say thus, And if any man will be Essoined, let him come in and he shall be received, and all such persons as were Essoined the last Court, let them come now in and warrant their Essoines, or else they will be amerced both for this Court, and also for the last, that is, they must appear, and not be again Essoined; for if that be suffered, it will hinder the service; And if any desire to be Essoined by their Tythingman or other neighbour, then for the first Court they may be Essoined, and their Essoines must be entred as they are in the hundred Court in this book.

Then let the Bailiff say after the Steward, if any man will enter any plaints, let them come forth and they shall be heard.

Then if any come to have any plaints entred, then enter them as they are entred in the hundred Courts, and if need be, those declarations and pleadings will serve here.

Then call the Tythingman of every tything with his tything, and demand of him if his whole tything be there or no, and ask him what Law-day, or hundred silver he hath brought, this done, receive his money, and swear him thus.

The

The Tything-mans Oath.

YOu ſhall ſwear, that you ſhall make true inquiry, and the ſame preſent of all ſuch Articles and things as ſhall be given you in charge, concerning the keepers of the Liberty of *England*, by the Authority of Parliament, and the Lord of this Leet or Law-day, wherein you ſhall no concealment make, you ſhall ſpare nothing meet to be preſented within your tything for love, favor, affection or corruption, neither ſhall you preſent any thing for malice, hatred or envy, but according as the truth of things have, may or ſhall come to your knowledge, by information or otherwiſe: So ſhall you make thereof a true preſentment without concealment, So help you God, *&c.*

Then call the whole tything by name and ſwear them thus.

The ſame Oath which *A. B.* your thythingman hath on his part taken before you and every of you, you ſhall for your parts obſerve, perform, and keep in every Article and thing which ſhall be given you in charge at the Leet, ſo help yee God and the contents of this Book.

Then call the Conſtables of the hundred if there be any there, and ſwear them thus:

You ſhall ſwear, that you ſhall make due inquiry, and the ſame preſent of all ſuch Articles and things as ſhall be given you in charge, and of all and every ſuch thing and things, which are, ſhall, or may come to your knowledge meet to be preſented at this Court concerning your office, wherein you ſhall ſpare no man for love, fear, favor, affection, or corruption, neither ſhall you preſent any man for malice, hatred, or envy, ſo ſhall you make both a juſt and a true preſentment thereof without concealment, So help you God; and the contents of this Book.

In like manner you ſhall ſwear *Ale-taſters*, *Heyward's*,

and other officers, if any such be answerable, or ought to appear there according to their particular offices.

Then call to the Bailiff for the names of the Jury, and bid him return them in writing, whereof must be twenty four, which return made and delivered, bid the Bailiff make an O-yes and say after you thus:

You good men that be returned to inquire for the keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet or Law-day, answer to your names, as you shall be called, every man at the first call, upon pain of amerciament.

Then call the Jurors severally by name as they be returned, and prick them openly which appear, and none else, and when fourteen or fifteen, or more have appeared, then call the foreman to the Book, and swear him thus:

The foremans Oath.

YOu shall duly inquire, and true presentment make of all such Articles and things as shall be given you in charge, the keepers of the Liberty of *England*, by Authority of Parliament councel, your fellows, and your own you shall well and truly keep, and not disclose the same, but here in Court you shall present the truth, and nothing but the truth, so help ye God and the contents of this Book; and then let him kiss the Book to affirm his Oath.

Then call the rest of the Jury by three or four at once, and swear them thus:

Also such oath as *A. B.* your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your part, so God yee help, and the contents of this Book.

And note that the Steward may impannel any stranger, if there want to make twelve of the Jury, because it is for the service of the keepers of the Liberty of *England* by Authority

Authority of Parliament for a preſentment made by fewer then by twelve is traverſable.

Jo. Doe. *Ri. Roe.* *Jo. Den.* *Wil. Fen.* *Wal. Neate.* *Jo. Feate.*	}	Jur.	*Jo. Hye.* *Jo. Pye.* *J. Miles.* *Th. Giles.* *Ri. Cooke* and *To. Snooke.*	}	Jur.

Then count them.

This done, then command the Bailiff to make Proclamation, and ſay thus after the Steward: You good men that are impannelled to inquire for the keepers of the Liberty of *England* by Authority of Parliament, and for the Lord of this Leet or Law-day, draw neer and hear your charge, and the Court commandeth all others to keep ſilence whileſt the charge is given, upon pain of impriſonment.

An exhortation to the Jury before the charge.

MY maſters you that be ſworn, before I enter to give you your charge, I ſhall exhort you in the fear of God, firſt of all to remember your duties to Almighty God, next to the keepers of the Liberty of *England*, by Authority of Parliament, and laſtly to the Lord of this Leet or Law-day, and therein to have a ſpecial regard for the good of the Commonwealth, here within the precinct of the Leet or Law-day. God delivered to his ſervant *Moſes* in the Mount *Sinai* ten Laws or Commandments, which are divided into two tables, the four firſt which are the firſt table, do teach us our duties to God, the other ſix which are the ſecond table, do teach us our duties one towards another: as the body of man is ſubject to many ſickneſſes and diſeaſes, ſo the Commonwealth is ſubject to many miſchiefs and inconveniences, and as the one is often curable by phyſick, ſo the other is

to be redreſſed and reformed by the due execution of Laws which are as the ſinews of the Commonwealth, to keep it in good order, and the execution of the Law is the life of the Law, otherwiſe it is but as a dead thing, and therefore good Rulers and Magiſtrates are ſaid to be as foſtering fathers and mothers to the Commonwealth, as well as natural parents are to their own children, and the people that honor their Governors, the child that honoreth his parents, and the ſervant that honoreth his or her maſter or miſtris, ought to honor them of duty in ſingleneſs of heart, and not for fear of puniſhment, or hope of reward.

England long ſince was divided into Counties, and ſo into Hundreds, Ridings, Lathes, Leets, and Wapentakes, which are all one in effect, though they differ in name according to the cuſtome of every Country. And there is no man living within this Nation, but he is reſident and abiding within the precinct of ſome one of theſe and there he ought to appear twice every yeer, if he be not otherwiſe priviledged by his place or office, and if any wrong be done unto any man under the value of forty ſhillings, there he ought to have redreſs, and not elſwhere. Then theſe Laws were afterwards confirmed by the Statute of *Marlebridge ca.* 38. before the making of which Statute, a Lord of a Leet or Law day might have kept as many Leets or Law-days in a yeer as he would, and as few. But by that Statute men were limited and appointed to keep but two every yeer, *viz.* one within a moneth of *Eaſter*, and the other within a moneth of *Michaelmas*. And afterwards becauſe men were of ſundry opinions, what things were inquirable at Leets or Law-days, and what were not, there was another Statute Law made in the ſeventeenth yeer of *E.* 2. by which it appeareth what things are inquirable at a Leet or Law-day, and what are not; and ſithence that time there have been divers other Statutes made, whereby divers other Articles are inquirable at Leets or Law-days, which before the making of the Statutes were not. Now therefore

fore considering that these Leets or Law-dayes were first ordained for the causes already delivered by me unto you, considering also, that the redress of all wrongs, and the punishment of all offendors here within the precinct of this Leet or Law-day resteth in you who are here especially elected, sworn and put in trust as the most meetest, and worthiest men within the precinct of this Court for that service, it therefore behoveth you to have a special regard to your oathes therein that you may the better perform the trust which is reposed in you, for now it is your parts and duties to try right from wrong, and truth from fallshood, and to punish offendors, and to defend the innocent. The Prophet *Jeremy* teacheth you a good lesson, and that is this, *Jurabis* (saith he) *in veritate, in judic' & in justitia & amovere moram & timorem malum & spem*, that is, you must swear in truth, judgement and justice, not regarding the substance, authority or power of a rich man, nor the imbecility or poverty of a poor man, but rather you must follow the rule of that wise Phylosopher *Plato*, who saith thus, That *Justum est judicium ubi non persona sed opera considerant*. that is a right wise judgement, where the person of a man is not regarded, but his offence; *Et ex cordibus vestris omnem affectionem expellite, & memores estote quantas iniquas deus instituit pro juramenti violat*. You must if you would do as you ought to do, remove all affection out of your mindes, and call to remembrance what threatnings God hath laid upon such as have violated their oaths, for it is written in the 14. *Chap.* of *Leviticus*, thus, *Qui blasphemat nomen Dom. morte morietur*, that is, he that blasphemeth the name of God shal die the death; and in the fifth *Chapter* of the *Acts* of the *Apostles*, it was said to *Ananias* and *Saphira*, *Non vives qui locutus es mendac' & confestim occisi fuerunt pro mendac' in vendend. Agr.* that is, it was told them that they should not live any longer because they have dealt deceitfully, and made a lie to colour their deceit in selling of a field, and they were presently slain for it: if God did then so punish them for making of a lie, which thing is so com-

mon now a dayes, what will he do to them which do not ſtick to lie and wilfully forſwear themſelves? therefore it behoves us to beware and to learn to be warned by other mens harms, leſt we fall into the like judgement of God our ſelves. In doing well, and performing your duties in this ſervice which you are to take in hand, you ſhall not only pleaſe God therein greatly, and do the Keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet good ſervice; but you ſhall alſo do good to your ſelves and to your poſterities, and therein cauſe the Commonwealth to florish and increaſe in godlineſs and piety; but on the contrary part if you ſhall be remiſs and careleſs in doing of your duties, therein you ſhall not only offend God very greatly, and incurr the danger of the Laws of *England*, but you ſhall alſo embolden and incourage wicked and lew'd perſons to continue ſtill in their own wickedneſs, and to go forward *à malo ad pejus*, and ſo to draw one ſin upon ſin, as it were with cartropes, to their utter ruine and deſtruction. And I would have you to know, that if I find you careleſs and negligent in this ſervice, I may then by the law impannel another Jury to inquire of your concealements, the which if they ſhall finde, then may I ſet ſuch fines upon you as I ſhall think fit, according to the quality of your offence. But I hope that you will give me no ſuch occaſion, but rather that you will duly and truly inquire of and preſent all ſuch things as I ſhall give you in charge.

And ſo I will here ceaſe to trouble you any further by way of exhortation, and proceed as God ſhall inable me and your patience to the particulars of your charge.

Your charge will be ſomewhat long and tedious, and ſtandeth upon many parts, but I will make it as ſhort as I can, and reduce it into five chief heads or parts, viz.

Petty Treaſons.
Felonies by Statute Law.

Felonies

Felonies by the Common Law.
Offences upon divers Statutes.
Laws and common annoizances.

And ſo of theſe in their order.

Petty Treaſon.

It is petty Treaſon for a woman to kill her huſband, or a Clerke his Ordinary, and the puniſhment for theſe offences, is death, and loſs of lands and goods.

Miſpriſion of Treaſon.

Next to this is miſpriſion of Treaſon, and that is, when any one knows of the Treaſon aforeſaid, or any of them, and concealeth it twenty four hours, after knowledge thereof had, the puniſhment for this offence is loſs of goods and chattels for ever, and of lands during life and perpetual impriſonment.

Felonies by Statute Law, Rape.

Next you ſhall inquire of Felonies by Statute Law, and therein firſt of Rapes, and that is if any man have ravilhed, or had carnal knowledge of any womans body againſt her will, or hath ſtolne or carried away any widow or maide againſt their wils, and their friends, though it was done to the intent to marry them, yet it is felony, and the offendor therein ſhall ſuffer death, and loſe his lands and goods for it. 18.E.2.& 1.H.7.

Hunters

Hunters by night.

1. H. 7. Next you shall enquire of hunters by night, in any forrest, park, chase, or warren, with visards disguised, to the intent not to be known, if they be apprehended and deny it afore a Justice of Peace upon their examination, it is felony, but if they confess it, it is then but a trespass, and so finable.

Defacers of a mans Phisnomy.

Next you shall inquire if any man or woman hath defaced anothers phisnomy in putting wilfully his or her eyes out, or cutting out of his or her tongue, either of both, is felony, and the offender shall suffer death, and lose lands and goods, 5. *H.* 7.

Servants imbesselling their masters goods.

Also you shall inquire of servants which have imbesselled their masters or their mistresses goods, being put in trust therewith, if it amount to xl. *s.* and upwards, it is fellony. 21. *H. ca.* 7. and the offenders shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

Also ye shall inquire of Witches and Sorcerers, for if any of them have killed or destroyed any man, woman, or child, with Witchcraft or Sorcery, it is in them felony, and the offendor shall lose both his lands and goods for it, 5. *El.*

Rebellions.

Also you shall inquire of Rebellions, Riots, Routs, 1. & 5. Eli. and unlawful assemblies, and that is where persons to the

the number of twelve or upwards, do with force unlawfully go about to alter Laws made by Act of Parliament, or any other Laws of this Nation, and being required by the Keepers of the Liberty of *England*, by Authority of Parliament Officers, upon Proclamation to return to their dewllings, and yet do remain together by the ſpace of one hour after ſuch Proclamation made, or after do attempt the like thing, it is felony, *per Mar.* And ſo it is where any ſuch number have aſſembled themſelves together to break, or digg up, or caſt down any pales, hedges, ditches, or other incloſures, or to pull up any pondheads, conduits, or pipes, to the intent to kill or deſtroy any Deer in any Park, Conies in any Warren or Fiſh in any Fiſh-ponds, or have fired any dwelling houſe, or any barn, wherein any Corn was laid, or any rick of Corn, or ring any Bell, ſound any Trumpet, or Drum, winde any Horn, fire any Beacon, or ſpeak any Rebellious words, or bring or ſend any money, victual, harneſs, or weapon to any ſuch rebellious perſons, is felony, and the offenders herein ſhall ſuffer death, and loſe lands and goods. Alſo there are concealers of theſe offences, the which if they conceal four and twenty hours, they are to have nine moneths impriſonment, without baile or mainprize; and Farmers and Copiholders ought to loſe their Farms and Copiholds if they refuſe to go to ſuppreſs ſuch rebellion as is aforeſaid.

Felonies by the Common Law.

Next, you ſhall inquire of felonies by the Common Law, and that is where any doth ſteal to the value of twelve pence or upwards, or doth ſteal any marked Swans, or their ſignet, or their eggs, or tame Deer, or rob Churches, Chappels, Pigeon-houſes, or dwelling-houſes, or any upon the high way, though he take but the worth of a penny from him, it is felony, and the offendor ſhall die for it, and loſe his lands and goods, and ſo ſhall their acceſſary.

Petty-

Petty Larceny.

Alſo you ſhall inquire of Petty Larceny, and thoſe
18. Ed. 2. be ſuch as ſteal pigs, geeſe, hens, chickins, corn out of fields, clothes from hedges, or out of windows, rob orchards, or go in theeves meſſages: the offendors herein are to have corporal puniſhment, and ſo their acceſſaries: but they forfeit their goods if they have any.

Now I muſt tell you that all thoſe offences which I have already ſpoken of unto you, are but onely to be here inquired of and preſented, but not here puniſhed, but they are to be puniſhed by the Juſtices of the ſhire upon certificate made thereof by the Steward of a Leet or Law day.

But now follow the offences which are both here to be inquired of, preſented, and puniſhed.

Affraies and blood-ſheds.

And therefore becauſe man is the worthyeſt creature that God made, I will firſt begin to put you in remembrance of the Law made for his ſafety and preſervation. You ſhall therefore firſt inquire if any man within your inquiry have broken the peace, or made any affray or bloodſhed: if any have offended herein, you muſt preſent him or them, and the manner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for ſuch offence.

Hue and Cry.

Next you ſhall inquire whether hue and cry after theeves and robbers have been duely purſued and followed as they ought to have been or no; if not, then you muſt

must present him or them which made default therein, for he forfeits five pound.

Constables and Tythingmen to punish Rogues.

Also you shall inquire how Constables and Thythingmen have executed their offices in punishing of rogues, vagabonds, and sturdy beggers which have come within their charge; for if they have been remiss therein, then they ought to lose twenty shillings for every default. No man or woman may be suffered to beg by the Law nor no man or woman may give any almes, upon pain of ten shillings for every time they give.

Who are said to be Rogues.

These persons by particular are said to be by the statute rogues, *viz.* Procters of Spittlehouses, Patent-gatherers, or Collectors for Gaoles, prisons, or Hospitals, Fencers, Bearwards, common Plaiers of enterludes, Minstriles wandring abroad, Glass-men, Saylers, Souldiers, Schollers, and all other idle persons which go about begging.

Stocks in every Tything.

Also for the punishment of these offendors, you shall inquire if there be in every tything a paire of stocks, according as there ought to be by the statute or no: if there be not, then the tything do lose five pound.

Artillery to be maintained.

Also you shall inquire whether every one have Bow and Arrows according to the Statute, or no; for every man-child from seven yeers old to seventeen

33. H. 8. cap. 9.

seventeen ought to have a Bow and two Arrows, and every man from seventeen to threescore ought to have a bow and four Arrows, upon pain of six shillings eight pence for every default; and parents ought to provide them for their children, and masters for their servants with their wages, or else they ought to undergo the penalty thereof.

Buts in every Tything.

33. H. 8. And also for the exercise of Archers in shooting at times convenient, there ought to be Buts made in every Tything, Village, and Hamlet, or else the Tything, Village, or hamlet ought to lose twenty shillings for every three moneths wanting Buts there.

Playes or Games.

33. H. 8. Also you shall inquire if any Alehouse-keeper or other person do keep any unlawful games in his or their house or houses or elsewhere, as cards, dice, tables, loggets, quoits, bowles, or such like, in this case the house-keeper loseth for every day fourty shillings, and every player six shillings eight pence for every time.

Also Constables ought to search monethly for such unlawful games and disorders in Ale-houses upon pain of fourty shillings, and they may arrest such as they find playing at unlawful games, and commit them to ward untill they put in sureties not to play any more at any unlawful game.

No man may play at any unlawful game insatiably, unless he can d spend a hundred pound *per annum* in lands, fees, or offices, for life, at the least: and he may not play neither in any open place where every one that will may see him, but in his house, or in his Orchard or Garden, upon pain of six shillings eight pence for every time, except in the Christmas time; for then all men may play. 33. *H.* 8.

Shooting

Shooting in Guns.

Next you ſhall enquire of ſuch as ſhoot in hand-guns, or croſs-bows; for no man may ſhoot in them unleſs he can diſpend a hundred pound *per annum* in lands, tenements, offices, annuities, or fees, neither may thoſe ſhoot at any Pheſant, Partridge, Herne, Duck, Mallard, Houſe-dove, Pigeon, Wigeon, Teal, or Heath-cock, upon pain of ten pound for every ſhoot. 33. H. 2. cap. 6.

Alſo by another Law made 1. *Jac. Reg.* he that ſhoots in a Gun, Croſs-bow, or long-bow at any of the fowles aforeſaid, or at any Hare or Deer, and cannot diſpend ten pound yeerly in lands, nor is worth two hundred pound in goods, ſhall forfeit twenty ſhillings for every ſhoot, which ſhall be to the uſe of the poor of the Pariſh where ſuch offence is committed, if the ſame be either confeſſed or proved by two witneſſes, or elſe if the offendor be not able to pay the ſaid penalty, or will not, then he muſt have three moneths impriſonment without baile or mainpriſe. But if ſuch offender can diſpend ten pound *per ann.* or more, then he ſhall forfeit fourty ſhillings to the uſe aforeſaid, and find ſufficient ſureties that he ſhall offend therein no more.

But by the ſame law all ſuch as have plackards or licences, may kill Crows, Rooks, Choghes, Pyes, Ieyes, Ringdoves, and other ſmall birds for Hawks meat only, with a gun, or otherwiſe.

Next you ſhall inquire whether your high wayes be ſufficiently amended and made paſſable, as they ought to be or no, for to that end and purpoſe there ought to be two Supervifors choſen in every Pariſh, between Eaſter and Midſomer by the Conſtables and Churchwardens, and there ought to be ſix dayes appointed for amending of the high wayes, eight hours every day, upon pain of twenty ſhillings to be loſt by the Supervifors. And every one that hath a cart ought to ſend two able men with it, with

with tooles fit for that ſervice, or elſe to loſe ten ſhillings for every day wanting, and every houſholder ought to find an able man for that ſervice, or elſe to loſe twelve pence for every day wanting. And they ought moſt chiefly to amend the wayes leading to market Towns, and they may gather ſtones in any mans ground, and alſo digg pits of ten yards ſquare in any mans ſeveral for ſtones and rubbiſh (if it be needful) filling the ſame up again, without danger of Law. And they muſt turn ſprings, if they can out of the high wayes; and trees and hedges which hang over the publike high wayes, muſt be cut and ſhreded upon pain of ten ſhillings for every default.

Purpreſtures and Aſſarts.

18. E. 2. Next you ſhall inquire of Purpreſtures and Aſſarts, and that is where any Wall, Hedge, Ditch, or Houſe is ſet, levyed, or abated in the publike high way, or any watercourſe ſtooped or turned into the high way to hinder the paſſage of the weal publike, or any way annoy them.

Bonds and markes.

Alſo you ſhall inquire whether any mear ſtones or ſtakes, bonds or markes, between this Lordſhip and any other, or between tenant and tenant, hath been removed ſince the laſt law day, or before, and not ſet in the uſual place again, if there be any which have offended herein, you muſt preſent them.

High-wayes or foot-ſteps ſtopped up.

Alſo if any high wayes or foot pathes to Church, Mill, or Market be ſtopped or hedged up, which have been accuſtomed to lie open, you muſt preſent him or them which ſhut it up, for the people of the Common-wealth

wealth must not be stopped of his lawful passage to Church, mill, or market.

Common Bridges broken.

Also if any common Bridges over Common Streams be broken, that by reason thereof the people of the Commonwealth cannot pass about their affaires and businesses, you must present those which ought to make them, upon a pain.

Common pounds broken.

And also if common pounds be broken so that they will hold no distress that is brought to them untill they be delivered thence by order of Law, you must present those which ought to make such pounds, upon a pain.

Sleepers by day, and walkers by night.

Also you shall inquire of Sleepers by day, and walkers by night, to steal and purloin other mens goods and Conies out of Warrens, Fish out of mens several ponds or Waters, Hens from Henrouse, or any other thing whatsoever, for they are ill members in a Commonwealth, and deserve punishment, therefore if you know any such present them.

Eves-droppers.

Also you shall inquire of Eves-droppers, and those are such as by night stand or lye harkening under wals or windows of other mens, to hear what is said in another mans house, to the end to set debate and dissention between neighbors, which is a very ill office, therefore if you know any such, present them.

Foreſtallers, Regraters, and Ingroſſers.

Alſo you ſhall inquire of Foreſtallers, Regraters, and Ingroſſers, evil members in a Commonwealth.

A Foreſtaller is he which buyeth or cauſeth to be bought any victuals whatſoever going to any Faire or Market to be ſold, and maketh any bargain for the buying thereof before the ſame be brought into the Faire or Market, or doth make any motion for the inhancing of the price of any victuals, or doth move or perſwade any perſon comming to the Faire or Market with victuals, to abſent and forbear his comming hither with any victual to be ſold there.

Regrator is he that getteth into his hands in any Faire or Market, any Corn, Tallow, or Candles, or any dead victual whatſoever, brought to any Faire or Market to be ſold, and doth ſell the ſame again in any Faire or Market, within four miles next adjoyning thereunto.

An Ingroſſer is he or ſhe that doth ingroſs and get into his or her hands, by buying or promiſe taken, other then by demiſe, grant, or leaſe, of bond or bill, of Corn growing in the Fields, or any other Corn, Grain, Butter, Cheeſe, Fiſh, or any other dead victual whatſoever to the intent to ſell the ſame again for profit.

Their puniſhment.

For the firſt offence they ought to have two moneths impriſonment, without baile or mainpriſe, and forfeit the value of the goods bought and ſold.

For the ſecond offence they ought to have half a yeers impriſonment, and to forfeit double the value of the goods bought and ſold.

And for the third offence they ought to be ſet upon the Pillory, and to loſe all their goods and chattels, and be impriſoned during the Keepers of the Liberty of *England* by Authority of Parliaments pleaſure.

Cant

Cattel sold with in five weeks.

Also you shall inquire of such as use to buy Cattel and to sell them again within five weeks, they ought to loose double the value of their Cattel.

Of Butchers.

No Butcher ought to sell in any open Faire or Market, any other victual then that which is good and wholesome for mans body, and for reasonable gaines, and not at excessive prices.

Shoomakers.

They ought to make their Shooes, and Boots of good and well tanned Leather, and well licoured, curried and sowed, to keep men dry of their leggs and feet. 5. Eliz.

Tanners.

Also you shall inquire of Tanners that have used the occupation of a Cordwainer, or a Currier, or that hath put any Leather to sale, but red Leather as it came from the Tan-fat, or that hath put any Hide or peece of Leather to sale, before it be well dryed, marked, and sorted, and then sold in open market, or that hath tanned any sheep skins.

Glovers.

Also you shall inquire, whether Glovers, or white Tawers of Leather, do make any other ware, than that which is good and substantiall, well tawed and dryed, and not rotten nor tainted, and sell the same at reasonable prices. And a White Tawer may taw no Calfe skins except they be put to him to be tanned, upon pain to loose for every Calf skin twenty pence.

Bakers.

Alſo you ſhall inquire whether the bakers do their duties or not, in making of good and wholeſome bread for mans body, of ſweet corn, and not corrupted, and that they make their bread in weight, according to the price of wheat, in three markets next adjoyning, not changing the aſſiſe of bread, but by ſix pence in weight in increaſing or abating, and if they do the contrary, and be thereof duly convicted, then for the firſt, ſecond, and third time they ſhall be amerced after the quantity of their fault, and ſhall loſe from time to time their bread ſo found too light in weight, but if they ſhall be found faulty herein the fourth time, then they muſt be ſet upon the pillory in open Market, whoſe puniſhment may not be releaſed for gold or ſilver.

Alſo a Baker muſt ſet his own proper mark upon every loafe of bread that he maketh and ſelleth, to the end that if any bread be faulty in weight, it may be then known in whom the fault is.

Brewers.

Alſo you ſhall inquire of Brewers, and Tiplers, whether they make good and wholſome Ale and Beer for mans body, or not, and ſell and utter the ſame according to the Laws and Statutes of this Nation. And alſo they ought not to put out their ſign or Ale-ſtake untill their Ale be aſſeyed by the Ale-taſter, and then to ſell, and not before.

5. H. 3.
58. E. 3.

Fiſhers.

Alſo you ſhall inquire of Fiſhers, whether they do their duties or no, in bringing to the Market ſuch Fiſh as good and wholſome for mans body, and not corrup

25. H. 8. ca. 7.
31. H. 8. ca. 2.

to

or ſtinking, and there ſell the ſame at reaſonable prices, without taking of any exceſſive gaines, but onely for every twelve-pence beſtowing, one penny cleer gaines over and beſides their charges, and if any Fiſher ſhall do the contrary, then he ſhall be grievouſly amerced from time to time, and his Fiſh if it be corrupt and ſtinking to be taken from him and openly burned in the Market.

Alſo no perſon may kill or deſtroy any yong Fry of Fiſh, in whatſoever River, freſh or ſalt; nor kill or take any Salmon or Trout, or any Pike or Pickeril, not being in length ten inches of cleer Fiſh or more, nor any Barbel except he be twelve inches long in cleer fiſh or more, upon pain of twenty ſhillings for every fiſh ſo taken and killed being not of the ſeveral lengths aforeſaid.

Alſo no man ought to fiſh with any Net or Engine, angling only excepted, but with ſuch Net or Trannel as every meaſh ſhall be two inches and a halfe wide, except Nets onely to take Loches, Mennas, Butheads, Gudgions, Eeles, and none other Fiſh, upon pain of twenty ſhillings for every time offending, and loſs of the fiſh and the unlawful Net.

Conſpiracy of victualers.

Alſo you ſhall inquire of the conſpiracy of Victualers, and that is where any Butcher, Baker, Brewer, Poulter, or Cook, ſhall or do conſpire, promiſe, or make oath, that they will not ſell their victuals but at certain prices, or if any artificers, or labourers do conſpire, promiſe, or covenant likewiſe not to do the work which others have begun, or will do but certain work in a day, or will not work but at certain hours and times, then every ſuch perſon ſo conſpiring, promiſing, ſwearing, and offending, being thereof lawfully convicted, ſhall forfeit for the firſt offence ten pound, if he have it to pay, then he muſt pay it within ſix dayes after his conviction, or elſe he is to have twenty dayes impriſonment, and have

onely bread and water for his sustenance, and for the second offence twenty pound to be paid as is aforesaid, or else to suffer punishment on the Pillory, and for the third offence, he shall lose fourty pound to be paid as is aforesaid, or else to be set upon the Pillory, and lose one of his ears, and ever after to be taken as an infamous person. And if such conspiracy shall happen to be made by any Company or Corporation, they shall lose their
2. E. 6. Corporation, besides the penalty and the particular punishment aforesaid.

False Waights and double Measures.

Also if any within your inquiry, shall use any false
31. E. 3. Waights or double measures in deceiving of the Commonwealth, in buying with a great measure, and in selling with a less, the offender thereof therein shall be grievously punished and imprisoned untill he hath made fine with the Keepers of the Liberty of *England*, by Authority of Parliament for his offence.

No man ought to sell any corn, ale, bread, or wine, but by a measure sealed with this letter *H.* upon pain of forfeiture for the first offence six shillings eight pence; for the second offence thirteen shillings four pence, and for the third offence, twenty shillings and to be set on the Pillory, to the example of others; and the measure not sealed to be broken, all which forfeitures are to the Lord of the Liberty where such offence is committed, and if it be in a City, or Borough, then it is to the Maior and Commonalty.

1. Jacob. Also you shall inquire of such as use to trace Hares in the snow, or to kill Hares with harepipes, or other egines, by an old Law they forfeit six shillings eight pence for every Hare so killed, but by a latter Law made in the first yeer of the late King *James*, twenty shillings

No Lay man may lawfully keep any Greyhound, or Hunting Dog, Ferits, or Nets, unless he can dispend forty

forty shillings *per annum*, Freehold, nor no spiritual man unless he can dispend ten pound *per annum*, of spiritual promotion, upon pain of a yeers imprisonment.

Crow net.

Next you shall inquire if there be in every Parish and Tything within your inquiry a Crow net, provided to kill and destroy Crows, Rooks, and Choughes, according to the Statute, or no, if there be not, they ought to lose ten shillings for every default, and it is not enough to have one, but it must be used, and scrapes made in the winter to that purpose, upon the like pain, but house-doves and pigeons may not in any case be taken with it. 5. Eliz. 5. Jacob.

Apparel.

And you shall inquire of such as exceed in apparel contrary to the Statute, for no man except he may dispend twenty pound yeerly in lands for his life at the least, or is worth two hundred pounds in goods, ought to wear any silk on his hat, hose, shoes, girdle, scabberd or spurleathers, upon pain for every dayes wearing of it ten pound, and three moneths imprisonment; and if any man know his servant to offend herein, and do not put him away, and not take him again within a yeer after, doth forfeit a hundred pound for every such offence by the same Statute, and these persons onely are accepted out of the Statute, *viz.* The Councel of State, the Barons of the Exchequer, Judges of the Law, Serjants at Law, Maiors and Recorders of Cities and Towns corporate, and their wives. 24. H. 8.

Refuse to go to muster.

Also you shall inquire if any have refused to go to Musters, if there be any such they ought to lose forty shilings, and to have ten dayes imprisonment.

Alſo no man ought to water any Hempe or Flax in any runing ſtream, upon pain of twenty ſhillings.

Drunkards.

4. Iacob. Alſo you ſhall inquire of Drunkards, for they ought to be preſented, and to pay if they be able for every time they be drunk five ſhillings to the uſe of the poor of the Pariſh where the offence is committed, if not able, then after conviction thereof, they ought to ſit ſix hours in the Stockes.

1. Iacob. Alſo an Alehouſe-keeper ought to loſe twenty ſhillings for every pot they ſell that is not a full quart, and ten ſhillings for ſuffering any Townesman to ſit drinking in their houſes, except he be brought thither by a ſtranger, and then he may not ſtay there above one hour.

And Brewers by the ſame Law ought to loſe for every barrel of Beer or Ale ſix ſhillings eight pence, which they lay into any mans ſeller to be ſold there by retaile by any that is not licened to ſell Ale or Beer.

Waiſes, ſtraies, and felons goods.

18. E. 2. Alſo you ſhall inquire of waiſes, ſtrayes, and felons goods. Waiſes are Cattel ſtoln and waved out of the poſſeſſion of him that ſtole them, and ſtraies are Cattel ſtrayed out of their haunt, and they ought to be ſeiſed upon to the Lords uſe, and to be wreathed and put into an open place, and not in a covert, to the end the owner may have the view of them, and they muſt be cryed at three Market Towns next adjoyning to the place where they are ſtrayed, and if they be not challenged within a yeer and a day, then they belong to the Lord of the ſoile where they are, by the Law, otherwiſe not.

Which is all manner of felons goods which may preſently after the felony is known to be committed, be ſeiſed upon, but not take away but left with the townſhip,

ſhip, for the felon muſt have his finding out of it ſo long as he lives unconvicted or attainted, but when he is convicted or attained, his goods then properly belong to the Lord of the Leet, if he have words for it in his Charter, otherwiſe they belong to the keepers of the Liberty of *England* by Authority of Parliament.

Treaſure trove.

Alſo you ſhall inquire of Treaſure troves, either upon the ground, or within the ground, for if any hath been found within the juriſdiction of this Court, it belongs to the Lord of this Leet or Law day.

Mortmain.

Alſo you ſhall inquire if any man hath given any lands in Mortmain, that is, to any Religious houſe, or Religious perſon, or to any Corporation, Guild, or fraternity, without licence, ſuch guift is void, and the Lord may enter by way of Eſcheat.

Alſo you ſhall inquire if the pains laid at the laſt Leet or Law-day be performed or no, if not, then you muſt preſent them that have made default, and then thoſe pains muſt be read to the Jury.

And to conclude, if there ſhall any other thing come to your knowledge meet to be preſented, and by any omitted to be given in charge, you ſhall as well inquire thereof, and preſent it as the reſt.

Then cauſe the Bailiff to make three Proclamations, and ſay thus: If any man can inform the Steward of this Leet, or his inqueſt of any petty Treaſon, Felony, petty Larceny breach of Peace, or of any other matter or thing now given in charge, let them come forth and they ſhall be heard.

And if any do come in, then ſwear them thus: that the evidence which they ſhall give, ſhall be the truth, and the whole truth, and nothing but the truth, ſo God them

them help, and the contents of this Book, then adjorn the Court till after dinner.

Then at your return from dinner, call all the Tythingmen and take their presentments.

And then that done, take the presentments of the Jury, if they be ready with them, or else give them a day to bring in their presentments, and then commonly is the best service done.

Then swear all the officers to their several offices that are then and there to be sworn.

Then adjorn the Court untill the day given to the Jury to bring in their presentments, but if they have no day given them, you may discharge the Court by Proclamation thus, *viz.* according as other Courts are discharged.

Then at the day when the Jury delivers in their presentments, you must first call them by their names to see if all be there or no, and then aske them if they be agreed of their presentments, if they say they be, then receive their presentments in writing in English, under their hands, for the Stewards warrant.

Petty Treason.

IN primis, The Jurors aforesaid, say and present on their Oath, that R. S. *of* A. *Gentleman, at* A. *within the jurisdiction of this Court, as a felon of the Commonwealth, one hundred peeces of gold, and three hundred groates falsly and feloniously coyned, and made, letters patents of,* &c. *thence first not obtained, against the peace publike, and against the form of the Statute in such case put forth and provided.*

Felony for burning a house.

Also they present that a certain T. D. *Yeoman such a day,* &c. *at* I. *within the jurisdiction of this Court, by force and armes,* &c. *voluntarily and feloniously of his malice fore-thought*

thought, the house of a certain I. S. *burnt against the peace publick, therefore is it commanded the Bailiff to seize all his lands, tenements, goods and chattels, that he may answer them to the Lord of the Mannor.*

Felon.

Also they present that W. P. *of* I. *aforesaid laborer, such day,* &c. *at* A. *within the jurisdiction of this Court, by force and armes,* &c. *and against the peace publike, the close of a certain* A. B. *at* I. *aforesaid, broke and entered, and one suite of satten of black colour, of the goods and chattels of the aforesaid* A. *then and there found, feloniously took and carryed away, therefore is it commanded to the bailiff to seise, as above.*

Accessary.

Also they present that W. S. *of* I. *aforesaid Yeoman within the jurisdiction of this Court, councelled, instigated procured, comforted, and abetted a certain* H. W. &c. *one Cow of black colour of the price of thirty shillings, of the goods and chattels of a certain* E. F. *then and there found feloniously to steal, take, and lead away, and the foresaid* L. *by force of the said councel, instigation, procurement, comfort, and abetting of the aforesaid* W. S. *the aforesaid Cow such day,* &c. *yeer,* &c. *felonious, stole, took, and led away.*

Rape.

Also they present that A. B. *of* I. *Yeoman, such daye,* &c. *at* I. *within the jurisdiction of this Court, the close and house of a certain* C. B. *broke and entered, and upon a certain* K. C. *the daughter,* &c. *in the peace of God, and the Commonwealth being assault made, and her by force and armes then and there against her will ravished, and her carnally knew, against the peace,* &c.

Felony.

Felony.

Alſo they preſent that A. B. *of* I. *aforeſaid, Yeoman ſuch day*, &c. *at* I. *within the juriſdiction of this Court, about the hour of nine in the night of the ſame day, the houſe and manſion of a certain* C. D. *as a felon of the Commonwealth, broke and entered, with the intention to ſpoile the aforeſaid* C. D. *and ſix Angels of gold, of the goods and chattels of the aforeſaid* C. D. *then and there in a certain cheſt being feloniouſly took and carried away, againſt the peace*, &c.

Robbery.

Alſo they preſent that E. F. *of* I. *aforeſaid laborer ſuch day*, &c. *at* I. *within the juriſdiction of this Court, by force and armes, and againſt the peace*, &c. *upon a certain* T. B. *at*, &c. *within the juriſdiction of this Court, in the high way, there in the peace of God, and the Commonwealth, being aſſault made, and him* T. B. *then and there ſpoiled, and ſixteen ſhillings, and one Angel of gold, of the goods and chattels of the aforeſaid* T. B. *in a certain his purſe, then and there being from the perſon of him* T. B. *feloniouſly took and carried away, againſt the peace*, &c.

Hutes.

Alſo they preſent, that the aforeſaid T. B. *being ſpoiled raiſed a great hiew and cry, and the aforeſaid* E. F. *as a felon of the Commonwealth, the ſaid day and yeer, from the aforeſaid place where ſo ſpoiled he was, freſhly purſued, as far as the aforeſaid town of*, &c. *and that no inhabitant there the aforeſaid felon upon the hiew aforeſaid followed, and ſo the aforeſaid felon eſcaped in contempt of the keepers of the Liberty of England, and againſt the form of the Statute of* Winchell. *in ſuch like caſe put forth and provided, therefore the aforeſaid town of*, &c. *is amerced*, &c.

Flighe

Flight he made.

Alſo they preſent that E. L. *of* I. *aforeſaid Yeoman ſuch day and yeer,* &c. *at* I. *within the juriſdiction of this Court, a certain gelding of black colour of the price,* &c. *of the goods and chattels of a certain* A. B. *in the common field there being feloniouſly ſtole, took, and lead away, therefore is it commanded to the baily to ſeiſe two cows of the goods and chattels of the aforeſaid* E. L. *as an eſcheat, and to the Lord forfeit, and that ſafely they be kept to the uſe of the Lord, or thus, if it be for the Commonwealth, to the uſe of the Commonwealth.*

Eſcape.

Alſo they preſent, that when a certain B. R. *of* I. *aforeſaid Yeoman, taken was, and areſted, for ſuſpition of a certain felony, and in the ſtocks put, a certain* I. F. *of* I. *aforeſaid laborer ſuch day and yeer,* &c. *at* I. *aforeſaid, the aforeſaid ſtocks by force and armes, feloniouſly broke, and the foreſaid* B. R. *then and there to eſcape, and at large go permitted, againſt the peace, Therefore is it commanded to the baily as before,* &c.

Felony in reſcuous.

Alſo they preſent, that T. I. *of* I. *aforeſaid, within the juriſdiction of this Court one Calf of the price,* &c. *of the goods and chattels of a certain* I. B. *then and there found, feloniouſly took and carried away, and that* W. O. *baily of the manner aforeſaid ſuch day and yeer,* &c. *at* I. *aforeſaid, the aforeſaid* T. I. *for ſuſpition of the felony aforeſaid arreſted, and that* W. F. *of* I. *laborer by force and armes,* &c. *at* I. *aforeſaid, the ſaid day and yeer, upon the aforeſaid* W. O. *in the peace of God and the Commonwealth, being aſſault made, and the aforeſaid* T. I. *in the cuſtody of the aforeſaid* W. *then and there feloniouſly took, got away, and reſcued, and at large to go permitted, againſt the peace,* &c. *therefore to the baily commanded is, as above,* &c.

Felon'

Felon' of a Dovehouſe.

Alſo they preſent that A. B. *of* I. *aforeſaid, Yeoman ſuch day and yeer*, &c. *at* I. *within the juriſdiction of this Court, about the hour of one in the night of the ſame day, a certain Dove-houſe of a certain*, &c. *broke and entered, and fourty Pigeons of the price of*, &c. *of the goods and chattels*, &c. *feloniouſly took and carried away againſt the peace*, &c. *therefore*, &c.

Felon' of a Doe Domeſtick.

Alſo they preſent that I. W. *of* I. *aforeſaid gentleman, ſuch day and yeer*, &c. *at* I. *within the juriſdiction of this Court, a certain Doe Domeſtick, and bearing a caperane about her neck, of the price of*, &c. *of the goods and chattels of a certain*, &c. *then and there found feloniouſly took and carryed away againſt the peace, and therefore commanded is it to the bailiff*, &c. *as above.*

Felon' of a trunck broken.

Alſo they preſent that I. L. *of* I. *aforeſaid Yeoman ſuch day*, &c. *at* I. *aforeſaid, within the juriſdiction of this Court, about the firſt hour of the night of the ſame day, a certain trunck of a certain*, &c. *broke, and entred, and ten fiſhes called Pykes, of the price*, &c. *of the goods and chattels of the aforeſaid*, &c. *from the trunck of the ſame*, &c. *then and there feloniouſly took and carryed away againſt the peace*, &c. *therefore*, &c.

Petty Larceny.

Alſo they preſent that P. I. *of* I. *aforeſaid Yeoman ſuch day*, &c. *the cloſe of a certain*, &c. *at* I. *broke and entred, and one towel of the value of ſix pence of the goods and chattels of the aforeſaid*, &c. *then and there found, feloniouſly took and carryed away, therefore*, &c.

Selling

Selling in the Church-yard.

Also they present that W. B. *and* T. B. *of* I. *aforesaid Butchers such day,* &c. *within the precinct of the view of Frankpledge laid out their flesh, and other things venal in the Church, and Church-yard of* I. *to sell them; which where divine service is celebrated, and mens bodies are buryed, they sold against the form of the Statute of* Winch. *in such like case set forth and provided, therefore are they amerced,* &c.

Chattels waved.

Also they present that a certain M. S. *came within the jurisdiction of this Court, and hither brought certain goods and chattels by him stoln,* viz. *One Smock, one Petticote, and one Shirt; all which aforesaid are of the value of twenty shillings and no more, all which and singular hither by the foresaid* M. *were brought, and the same* M. *here within the jurisdiction of this mannor, these waved left and fled, by which all the goods and chattels aforesaid came to the Lord of this mannor upon the aforesaid. Commanded it was to the Baily to seize into the hands of the Lord, as an eschete, and to the Lord forfeit, and so did he, and the goods and chattels aforesaid were delivered to the Lord in this Court.*

Common fine.

Also they say that they give to the Lord in certain for the Common fine at this day of ancient custome six shillings eight pence.

Default of Dec iners.

Also they present upon their oath that I. R. R. W. *and* I. W. *are resident within the view of Frankpledge aforesaid, and at this day have made default, therefore it every of them amerced as it appears upon their heads.*

Nusance

Nusance of water.

Also they present that R. C. *of* I. *aforesaid Yeoman, hath diverted the common course of a certain rivolet, leading by the house of a certain* T. H. *out of the right course in which it used to run; therefore is it commanded him, to suffer that rivolet to run in its right and ancient course, by the feast,* &c. *under the penalty,* &c.

Nusance of boughes, &c.

Also they present, that there is a certain hedge of great thickness, and that the boughes thence hang beyond the venelle called the publike lane, to the Nusance of carriages, beyond the same venelle, to be carryed in defect of W. C. *therefore is it commanded to him to cut or lop that hedge by the feast,* &c.

Nusance of a gutter.

Also they present, that there is a certain gutter, leading from the house or Kitchin of T. I. *by which the filthy or stinking water of the said Kitchin is conveyed into the publike way, to the grevious nusance of the way publike, and of all carriages beyond it, to be carried by the people of the Commonwealth; therefore is it commanded him, that to amove or stop up, by the feast,* &c.

The common wayes.

Also they present, That the common way leading by the field called Prebends field, is the common way for leading or riding, and so used was from the time whose contrary in the memory of man is not, and because the gate and the bridge beyond the further bridge, ought to be maintained and kept by the Land tenants, and now are not; therefore is it commanded, the same gate and bridge, to mend, and repaire before the feast, &c. *under the penalty,* &c.

Nusance

Nusance of a dunghill.

Also they present that R. W. *has erected a certain Dunghill against his house neer the publike way, to the nusance of the people of the Commonwealth; therefore commanded it is to him, that to remove and cary thence by the feast,* &c. *under the penalty,* &c.

Nusance of a Ditch.

Also they present that there is a certain ditch unscoured and unclean in defect of R. S. *to the* nusance, *&c. therefore is he amerced twelve pence, and commanded it is to him that to scoure and make clean by the feast,* &c. *under the penalty,* &c.

An Hostess of whores.

Also they present that A. B. *widow, is a common Hostess, and receiver of whores, and of women of bad fame and conversation, to the grievous nusance of her neighbors; therefore is she amerced two shillings.*

A scold.

Also they present that N. C. *widow, is a common scold with her neighbors, and a common breaker of hedges, and keeps a certain* W. C. *her son in her house, and he is not of good fame or government, therefore are they amerced as it appears upon,* &c.

Tresпas.

Also they present that a certain A. B. *servant of* W. C. *Baily of the Lord, as he was leading certain cattel of a certain* R. G. *to the pound of the Lord there to impound them, came a certain* D. P. *with great violence to the pound aforesaid, with one sword of the value of five shillings, and then and there the aforesaid* A. B, *struck with the same sword on his head, and spilt blood upon the same* A. B. *by occasion of which blow the aforesaid* B. *fel to the ground, as if dead he had been. Therefore the aforesaid* D. P. *is amerced, and affer. by the chief pledges to five shillings.*

Treſpaſs and Battery.

Alſo they preſent that I. S. *made an affray within the juriſdiction of this Court, and drew blood, therefore is he amerced ſix ſhillings eight pence.*

Default of a Conſtable.

Alſo they preſent that W. G. *is Conſtable, and is not here at the view of Frank-pledge, to preſent that which to that office belongs, but has made default, therefore is he amerced three ſhillings four pence.*

Common appriſers.

Alſo they preſent that B. R. *and* W. G. *are common appriſers, and ought to be here to preſent that which to that office belongs, and made default, therefore are they amerced three ſhillings four pence.*

Searchers of Victuals make default.

Alſo they preſent that R. B. *and* C. D. *are ſearchers of Victuals, and ſhould be here at the view of frankpledge to preſent that which to that office belongs, and made default; therefore each of them is amerced two ſhillings.*

Scowrers of ſtreets make default.

Alſo they preſent that T. I. *and* W. I. *are ſcowrers of ſtreets, and ought to be here at the view of frankpledge, and made default, therefore is each of them amerced ſix pence.*

Eſtray.

Alſo they preſent upon their Oath, that the twentieth day of May, *the yeer,* &c. *there came within this Lordſhip, one horſe of colour grey an eſtray, and remaines in cuſtody* X. D. *to be proclamed.*

Alſo they preſent that there is one colt of colour bay, of age four yeers or more, which came within this Lordſhip an eſtray the

the ninth day of September, *the year, &c. of the price of twenty four shillings, and remained in the custody of the Baily by the space of one year, and one day, after three Proclamations three several dayes made according to the form of the Statute, therefore the property of the same Colt is in the Lord.*

Bakers amerced.

Also they present that W M. *twelve pence, and* R. B. *twelve pence, are common Bakers of mans bread, and diverse times have baked bread unwholesome, and broken the Ass. therefore is each of them amerced as it appears upon their heads.*

Brewers amerced.

Also they present that R. W. *twelve pence, and* I. D. *twelve pence, are common brewers of Ale, and have brewed several times Ale unwholesome, and broken the Ass. therefore is each of them amerced as it appears upon their heads.*

Tiplers amerced.

Also they present that E. W. *twelve pence, and* W. X *twelve pence by their wives are common Tiplers of Ale, and by unlawful measures have sold Ale and broken the Ass. therefore is each of them amerced, as it appears upon their heads.*

Penalty Set.

First, Ordained it is that B. R. *make and scour his ditch at the nether end of great hill-field, containing by estimation twenty perches, by the feast of the Nativity of Saint* John Baptist *next coming, under penalty for every perch there eight pence.*

Penalty.

Also ordained it is that T. M. *reform and expose a certain parcel of land lately by him inroached, betwixt Wash-lane*

and Pickam common, before the feast of all Saints next coming, under the penalty for every perch not reformed and exposed twenty pence.

Penalty.

Also ordained it is, that no man permit his beasts, viz. his Oxen or Cowes to go into or feed upon the common of this Lord, but in the lanes to this manner belonging, without a keeper, under penalty of forfeiture to the Lord for every of them every time two pence.

Penalty.

Also ordained it is that W. I. *amove his dunghill lying by the way publick against his house, before the feast of* Easter *next, under the penalty of forfeiture of ten shillings to the lord of this manner.*

Penalty.

Also ordained it is, that I. F. *make and maintain a bridge in his close, called great Comans, in the way leading from Alton town, under penalty of forfeiture of ten shillings to the lord.*

Penalty.

Also ordained it is that every man yoke or ring his hogs before the feast of Saint Michael *the Archangel next, and those keep so yoked or ringed untill the feast of Saint* John Baptist *then next following under penalty of forfeiture to the* lord *for every hog, every week three shillings four pence.*

Then there rests no more to be done at a Leet or a Law day, but to minister to every officer his particular oath, and first the Maiors oath, if there be one there, and that must be thus:

The

The Maiors *Oath.*

YOu shall swear that you well and truly shall serve the keepers of the Liberties of *England*, by Authority of Parliament, and the Commonwealth, in the office of a Maior, and as Maior of this Town and Borough of *P.* for and during the space of one whole yeer now nex ensuing; and you shall minister equal justice as well to the poor as to the rich, to the best of your cunning, wit, and power; and you shall diligently procure such things to be done, as may honestly and justly be to the profit and commodity of the Corporation of this Town; and also endevor your self to the uttermost of your power to see all Heresies, Treasons, Felonies, and all other Trespasses, Misdemeanors, and Offences whatsoever to be commited within this Town and Borough, during the time of your office, to be repressed, reformed, and amended, and the offenders duly punished according to the Law. And finally you shall support, uphold, and maintain the Commonwealth within this Town, prescribed customes, rights, liberties, jurisdictions, franchises, compositions, and all lawful ordinances of this Town and Borough; and as concerning all other things appertaining to your office, you shall therein faithfully and uprightly behave your self for the most quietness, benefit, worship, honesty, and credit of this Town, and of the inhabitants thereof, So help you God, and the holy contents of that book.

The Oath of the Recorder.

YOu shall swear that you well and truly shall serve the keepers of the Liberty of *England*, by Authority of

Parliament, and the Maior, Aldermen, and Burgeſſes of this Town and Borough of *P.* in the office of Recorder, and as the Recordor of this Town and Borough of *P.* ye ſhalbe faithful and juſt and give good advice and counſel unto the Maior, Aldermen, and Burgeſſes of this Town, for & concerning any matter or cauſe that ſhal concern or touch the Franchiſes, Liberties, and good orders of this Town, whenſoever they ſhall require or deſire you ſo to do, you ſhall not utter or diſcloſe any of their ſecrets or councel, touching the Fellowſhip or Corporation of this Town, whereby any prejudice, loſs, or hindrance, or ſlander, ſhall or may ariſe, grow, or be to the ſame Corporation: And further ye ſhall do to your power, wit, and cunning, all and every thing that ſhall appertain to your office for the moſt benefit, worſhip, and credit of this Town, and of the Inhabitants thereof. So help ye God and the contents of this book.

The Oath of the Town Clerk or Steward.

YOu ſhall ſwear that you well and truly ſhall ſerve the Maior, Aldermen, and Burgeſſes of this Town, in the Office of Steward and Town Clerk of this Town and Borrough of *P.* and truly to ſee all Plaints, Actions, Proceſs, and matters in the Courts to be holden before the Maior, Aldermen and Burgeſſes of this Town, and by you or your ſufficient Deputy, according to cuſtome and Liberties of this Town, to be entred and recorded as they ought to be, after the beſt of you cunning wit, or power, taking for the ſame you due fees and the perquiſits, iſſues, profits, and amerciaments of the ſame Courts; you ſhall juſtly and truely write and extract yeerly, for the levying and gathering thereof; and you ſhall truly and diligently do and accompliſh all other things appertaining to your ſaid office after the beſt of your knowledge, as neer as God ſhall give you grace. So help you God and the contents of this book.

The

The Oath of the Coroner, if there be any.

YOu shall swear, that you well and truly shall serve the keepers of the Liberty of *England*, by Authority of Parliament, and the Commonwealth, in the office of a Coroner, as Coroner of this Town and Borough of *P.* and you shall diligently and truly do and accomplish all and every thing and things appertaining to your office after the best of your cunning, wit, and power, for the most quietness, profit, ease, and credit of this Town, and the inhabitants thereof, taking such fees as you ought to take by the Laws and Statutes of this realm. So help you God, and the contents of this book.

The Oath of the Receiver.

YOu shall swear that you well and truly shall serve the Major, Aldermen, and Burgesses of this Town of *P.* in the office of Receivership, and as Receivers of the same Town for and during the space of one whole yeer now next insuing, and ye shall reasonably and honestly procure the profit of the Corporation of this Town, in those things which touch your office; and ye shall also well and truly Collect, levy, and gather all and all manner Rents, Revenues, Casualties, Duties, and Profits belonging unto the said Office, and the same shall truly pay and deliver, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to be made, without concealment: and further, you shall diligently give attendance to the Maior of this Town and Corporation according to ancient customes; and every other thing belonging to your office you shall well and truly do and accomplish to the best of your skil or power. So help ye God, and the contents of this book.

The Oath of the Chamberlain, and general Receiver.

YOu shall swear that you well and truly shall serve the Maior, Aldermen, and Burgesses of this Town and Borough of *P.* in the office of Chamberlain or generall receiver of this Town, and therein shall you do right to all manner of people both poor and rich in those things which touch your office; the receit of the money due or belonging to the Maior, Aldermen and Burgesses of this Town and Corporation, you shall truly and safely keep, and have alwayes in a readiness to the use and behoof of the Corporation of this Town whensoever occasion shall serve, and not waste or dispend the same, but make true declaration and accunt thereof, when you shall be thereunto required without concealement, according to the credit and trust to you committed in this behalf, So God you help, *&c.*

The Oath of a Burgess.

YOu shall swear that you well and truly shall serve the keepers of the Liberty of *England* by Authority of Parliament, and the Inhabitants of this Town & borough of *P.* as one of the Burgesses of this Town, and shall minister equall justice to poor and rich, after the best of your cunning, wit, and power, and also shall well and truly observe, perform, fulfill, and keep all such good orders, rules, and compositions, as are or shall be made, ordred, or established by the Common-councel of this Town, for the good government thereof in all things to you appertaining, and you shall not utter or disclose any counsel or secret thing or matter, touching the Fellowship or corporation of this Town, whereby any prejudice, loss, hinderance, or slander shall or may arise, grow, or be to the same corporation, but you shall in all things belonging to the fellowship and corporation of this

Town

Town, faithfully, honestly, and indifferently behave your self, for the most benefit, worship, and honesty of this Town, and the Inhabitants thereof, So God you help, *&c.*

The like Oath is to be ministred to an Alderman, *mutatis mutandis.*

The Oath of the Constables.

YOu and either of you shall swear, that you well and truly shall serve the keepers of the Liberty of *England* by Authority of Parliament, and the Maior, Aldermen, and Burgesses of this Town and Borough of in the office of Constableship, and as Constables of this Town, for and during the space of one whole yeer now next insuing; you shall endeavor your selves to the utmost of your powers, to see the publike peace to be kept, and watch and ward observed and kept in this town, as hath been accustomed, and as it ought to be: likewise you shall indevour your selves to learn and understand the contents of the Statute of *Winchest.* and divers other Laws and Statutes of this Nation made for the punishment of rogues, vagabonds, and sturdy beggers, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shall play at any unlawful games according to the Statute in that case made and provided. You shall also have regard for the maintenance of Artillery within your said office, and that you shall do and accomplish to the uttermost of your powers, So help you God, *&c.*

The Oath of the Serjeants.

YOu and either of you shall swear, that you well and truly shall serve the Maior, Aldermen, and Burgesses

geſſes of this Town, in the office of a Serjantſhip, and as Serjeants of this Town, for and during the ſpace of one whole yeer now next coming; and you ſhall well and truly ſerve, do, and execute all and all manner precepts, warrants, and commandments to you and either of you to be lawfully given and directed, touching or concerning any matter, cauſe, or proces, to be moved, had, or depending in the keepers of the Liberty of *England*, by Authority of Parliament court, to be holden within this Town, according to the liberties thereof, or at large, and ſhall make due returns and anſwers thereunto, and make Certificate thereof, according to the effect of ſuch Precepts, Warrants, and commandements, taking therefore your ordinary fees, and none other: And alſo you ſhall diligently give attendance unto Maſter Maior, and waite on him, as hath been accuſtomed, and as you ought to do, and his commandments in things truly to do and ſay, and not alter the ſame, ſo that it may be prejudicial or hurtful unto the ſaid Maſter Maior or any other: and likewiſe you ſhall give attendance and be aiding and aſſiſting unto the Conſtables of this Town, in any thing that they or either of them ſhall reaſonably and lawfully command or will you to do: and you ſhall diligently and truly do all other things appertaining to your ſaid office, to the utmoſt of your power. So help you God, and the contents of this Book.

The Oath of a free-man.

YOu ſhall ſwear that you ſhall be true and faithful to the keepers of the Liberty of *England*, by Authority of Parliament, and to the government of the Commonwealth of *England*, as it is now eſtabliſhed, and to your power ſhall aide and aſſiſt the Maior and other officers of this Town for the time being, and to them ſhall be obedient and attendant concerning ſuch things as they or any of them ſhall lawfully and reaſonably will or command

command you to do; you shall also well and truly observe, perform, fulfil, and keep all such orders and rules as are and shall be made and established by the Common Counsel of this Town, for the good government thereof, in all things to you appertaining: you shall also give, yeeld, and be contributary to and with the Corporation of this Town, so far forth as you ought or shall be chargeable to do, and you shall not by colour of your freedom bear out, or cover under you any forrain person or stranger, but according to the best of your skill, wit, cunning and power, you shall uphold and maintain all the Liberties, Franchises, good customes, orders, and usages of this Town and Corporation. So help you God, &c.

The Oath of the Tithing-man or petty Constable.

THe Oath of the Tything-man or petty Constable is in all points as the the Oath of the Constable, *mutatis mutandis*, saving further that the Tything-man must be sworn to be attendant on the Constable when he shall execute his office, being thereunto required.

The Oath of an Ale-taster.

YOu shall swear that you shall well and truly serve the keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet in the office of the Ale-taster, or Assizor of this Liberty and Hundred for this yeer to come; you shall duly and truly see from time to time, that the bread brought to be sold be truly weighed, and that the same to contain such weight, according to the prices of Wheat,

as

as by the Statute in that behalf is provided: likewise you shall have diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and every of them do make good and wholesome Ale and Beer for mans body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the prices limited and appointed by the Justices of Peace; and all faults committed or done by the Bakers, Brewers, or Tiplers, or by any of them, you shall make known, and present the same at this Court, whereby due punishment may be inflicted upon them for their offences accordingly, and in every other thing you shall well and truly behave your self in the said office for this yeer to come, So help you God, *&c.*

The Oath of fealty to a Freeholder.

YOu shall swear by the contents of that book, that you will be true and faithful to the Lord of this Mannor, and shall from henceforth bear, do, and pay to your said Lord and to his heirs, at terms assigned, all such Rents, Customes, and Services, as you ought to pay and do for all such lands and tenements as you claim to hold of him, So help you God, *&c.*

The Oath of the Tythingz.

THis hear you the Steward and the Court that I shall swear, that I will true faith and troth bear to the keepers of the Liberty of *England* by Authority of Parliament, and to the government of the Commonwealth of *England* as it is now established: And I shall with all my power, wit, and endeavor, defend and maintain the right

right and title of this Commonwealth againſt all forraine Princes and forrain Potentates, and ſhall no felony nor treaſon commit, nor thereunto aſſent, but as ſoon as any treaſon ſhall come to my knowledge, I ſhall make the ſame to be known to the keepers of the Liberty of *England* by Authority of Parliament, or to the Juſtices of the Peace publike, within four and twenty hours next and immediately after it ſhal come to my knowledge, and ſhal be obedient to all the Laws of *England*, and in all things I ſhall well and truly behave my ſelf like a true and faithful member of this Commonwealth during the term of my natural life, So God me help, *&c.*

The Oath of a Deſnier.

YOu ſhall ſwear that you *I. S.* from this day during you life, ſhall be faithful to the Keepers of the Liberty of *England*, and you ſhall hear of no hurt or damage that may betall them, but you ſhall diſcloſe it, and to the uttermoſt of your power you ſhall defend them, So God you help, *&c.*

The Oath of the Heyward.

YOu ſhall ſwear, that you ſhall well and truly ſerve the keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet in the office of a Heyward for this yeer to come; you ſhall duely and truely execute all ſuch Attachements and other Proceſs as ſhall be directed unto you from this Court: and you ſhall from time to time ſignifie and preſent all ſuch Pound breaches as ſhall happen to be made within your office.

And

And likewise you shall present all such cattel estrayed, as shall usually come within your office, and in every other thing well and truly behave your self during the time aforesaid. So God you help, *&c.*

The Oath of the Affiers.

YOu and either of you shall swear by the holy contents of this book, That you will truly and indifferently taxe, assess, and affier all such amerciaments as are presented at this Court; wherein you shall spare no man for love, favor, affection, or corruption, nor raise or inhance upon any man (of malice) more grievous Amerciaments than shall be thought reasonable, according to the quality of the offence, and the faults committed, and not otherwise. So help you God, *&c.*

Then must the Steward command all men to stand by, and the two Affiers to stand as neer him as they can, and he must read unto them every presentment that ought to be affied, and so that they may rate them accordingly untill they have done, and then discharge the Court thus:

Conclusion.

The Bailiff must make an O yes, and say after the Steward thus: If any man have any more to do at this Court, let him come in, and he shall be heard, or else every man may depart for this time in Gods peace and the publike, and keep your day here according to custom, if it be a customary Leer, otherwise it must be upon a new warning. And so God save the Lord of this Leet or Law day, and make us all his servants, Amen.

Now I will shew you how Manors took their beginning, and within what Mannors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth.

Perkins

Perkins fol. 127. saith, That the beginning of Manors was, when the King gave a thousand Acres of Land, or more or less, to a man and his heires for ever. And before the Statute of *Quia emptores terrarum*, A man seised of Land, infeoffed another of ten Acres, another of twelve Acres, a third of twenty Acres, to be holden of himself, and the Tenants to do him service, and pay him a quit rent, and so by this means by continuance of time out of the memory of man, such donor or feoffor had a Mannor.

Also, 33. *H.* 8. *tit. Comprise.* A man at this day cannot make a Mannor; For although that a gift in taile be made to divers to hold of the donor by his services or suit of Court, although this be a tenure, yet it cannot make a Court, for it cannot be without prescription.

Also if a man have a Mannor, and all his free suiters but one do commit felony, or die without heirs general or special, whereby their land escheats, or if the Lord purchase their lands, the Mannor is destroyed; for it cannot be a Mannor without Suiters, there must be two at the least, as it appeereth by 35. *H.* 8. *tit. Tenures* 102. *m.* And in 26. *H.* 8. 4. Two Copartners made partition of a Mannor, so that either of them had parcel in demesne, and parcel in service; in this case either of them hath a Mannor, and either of them may keep a Court Baron, if either of them have two Suiters; otherwise not. *But* 12. *H.* 4. 15. Partition is made of a Mannor, so that one Copartener hath the demeans, and the other the services, suit of Court in this case is suspended; and so long as the mannor continues so, there can be no Court kept. And 8. *H.* 7. 4. it is held, That a Court Baron is incident to a Mannor, of common right, so that within every Mannor there ought to be a Court Baron, although there be no suiters belonging to it, or although by partition the suit is suspended, as is aforesaid. And 34. *H.* 6. 53. But note, That divers are called Mannors, where there are not free Suitors, but onely Copyholders,

holders, *Ad voluntatem Domini secundum consuetudinem Manerii.* And yet those seigniories are called Mannors, and there are Court Barons kept to grant Copihold estates; otherwise they cannot be granted by Copy, but by lease they may, and by that means a Manner will be utterly destroyed.

The

THE
Manner and form how to keep a Court
BARON.

THE *Court Baron of* I. F. *and* P. *his wife, there held the twelfth day of* October, *the yeer.* &c. *by me* I. W. *Steward there.*

Then command the Bailiff to make an O yes, and say after you thus, All manner of persons that have any thing to do at this Court, draw neer and give your attendance, and if any man will be essoined or enter any plaints, let them come forth and they shall be heard.

Then let the Bailiff say after the Steward, Essoines and proffers of suit or plea three times for this Court, and if any will be essoined, let the essoiny for suit of Court be entred thus:

I. S. *Essonied is for suit of Court by* T. D.

And if any will enter any plaints, then let them enter their plaints thus.

W. K. *plaines against* I. H. *a plea of debt or tresposs, or taking or injust detayning of his beasts, or such like.*

Then call the Freeholders, and ſo many as make default, preſent their names and marke them over the heads thus.

Amerced two pence. *Amerced two pence.*

Richard W. *Knight and* M. B *gentleman, are freeholders of this Court and have made default, therefore each of them is amerced as appears upon their heads.*

Will. Kelſey. *Joh. Vallor.* *Rob. Corſe.* *Joh. Mathew.*	Jur.	*Joh. Newman.* *Matheus Bull.* *Joh. Hault* and *Thomas* L.	Jur.

The Foremans Oath.

YOu ſhall ſwear that you as Foreman of this Homage, with the reſt of your fellows ſhall duely inquire, and true preſentment make of all ſuch Articles and things as ſhall be given you in charge, and therein you ſhall not ſpare no man, for love, favor, or affection, nor preſent any man for malice, hatred, or envy, but according as things here preſentable, ſhall or may come to your knowledge, by information, or otherwiſe, ſo ſhall you make thereof true preſentment without concealement, So God you help, and the contents of this book.

Then call the reſt of the Homage, and ſwear them by four at a time thus; The ſame Oath that *W. Kelſey* your Foreman hath taken before you one this part, you and every one of you ſhall obſerve and keep of your parts, So help you God and the contents of this book.

Then let the Bailiff call them by name, and bid them ſtand neer and here their charge.

An exhortation to the Jury before the charge.

SIRS, You that be ſworn, before I enter into your Charge, I purpoſe by Gods aſſiſtance to deliver unto you the cauſes of your aſſembly here together, which are two; one is, for that you hold lands of the Lord of this Mannor, ſome as Freeholders, and ſome as Copiholders, and therefore by reaſon of your tenures you ought to appear at this Court ſo often as it ſhall be kept, and here to do your ſuit and ſervice, or elſe to be amerced; and the other cauſe of your coming hither, is to get knowledge by hearing of the Laws and cuſtomes of this Court dilated upon unto you, and hereby you may be the better taught, inſtructed, and enabled to know how to perform your duties in doing well and eſchewing evil. And for that you ſhall the better conſider and inquire of, and preſent all things which are now here preſentable, I have miniſtred unto you a corporal oath, which oath ſtandeth upon three parts (that is to ſay) upon Truth, Judgement, and Juſtice: It ſtandeth upon truth, for that you ought to preſent nothing but the Truth, and likewiſe not to omit any thing that is true and preſentable here unpreſented; It ſtandeth upon Judgement, that you do not preſent any thing raſhly or unadviſedly, but certainly to know the truth thereof before you do preſent it; And it ſtandeth upon Juſtice, that you do not for favor, affection, corruption of money, or other reward, for fear of any mans diſpleaſure, or for any private gaine or profit, leave any thing unpreſented that is here preſentable, neither for malice to preſent any thing contrary to the truth. Theſe three principal things you ought duely to conſider of, and ſo hoping that you will have a ſpecial care thereof, according to your oaths and duties, and the truſt that is repoſed in you, I will ceaſe to trouble you any further at this time by way of exhortation, and proceed to your Charge.

The Charge.

FIrſt, you ſhall enquire whether all ſuch perſons as owe ſuit and ſervice to this court, be here to do the ſame or no : and if any make default, you muſt preſent their names.

And I muſt tell you, If there be two Coparcenes, or two Joyntenants which do owe ſuit and ſervice to this Court for any Lands which they hold of the Lord of this Mannor, the one of them ought to be here to do the ſame, ſuit, and the other ought to be contributer to his charge.

Alſo if any Tenant having twenty acres of Land granteth or letteth the ſame to twenty ſeveral perſons, in this caſe every one of thoſe twenty ought to do ſuch ſuit and ſervice as hath been accuſtomed to be done for the ſame Land.

Alſo, you ſhall enquire if any Tenant be dead ſince the laſt Court, or before, and his death as yet not preſented, then you ſhall enquire what Land he held of the Lord of this Mannor, and by what tenure or ſervice he held the ſame, whether by Knights ſervice, Soccage tenure, or by Copy; and what benefit or advantage is faln to the Lord by his death; whether ward, marriage, relief, eſcheat, or any other profit, and who is his next Heire, and of what age he is, and in whoſe cuſtody he is : For if any Tenant which holds by Knights ſervice die, and his heir male under the age of twenty one yeers, and not married, then the Lord ſhall have the wardſhip and marriage of ſuch heir male : but if it be a female and under the age of 14. yeers, and not married, then the Lord ſhall have likewiſe the wardſhip and marriage of ſuch heir-female : and if the heir male be 21. yeers at the death of his anceſtor: or the heir female fourteen yeers, then the Lord ſhall have onely a relief, which is, if they held by a whole Knights fee, a hundred ſhillings : if by the moity of a Knights fee, fifty ſhillings, and ſo according to the rate of their tenure.

Alſo if any tenant which held by Soccage tenure be dead, his heir being under the age of fourteen yeers, the Lord

Lord ought to have the value of his land for one yeer for a relief, which is due immediately after the death of the Tenant; and the next of kin to the heir to whom the inheritance cannot descend, ought to have the wardship of such heir.

Also if any customary Tenant or copiholder, hold two parcels of land by herriot service, and by several copies, if such tenant dye thereof seised, the Lord ought to have two herriots.

Also you shall iniquire whether any of the Lords tenants be dead without heir generall or special; if there be any such; then the Lord ought to have his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten, then the Lord ought to have his land by Escheat.

Also if any Freeholder of this Mannor hath committed felony, and thereof hath been attainted, that is, either hath confessed the felony, or hath been convict by verdict of twelve men, or fled, and thereupon outlawed for the felony, in this chse the Keepers of the liberty of *England* by authority of Parliament must have yeer, day and wast in his land, and after it ought to come to the Lord by Escheat.

Also if any Copiholder hath committed felony, and therefore hath been attainted as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copiholders hath leased his Copihold for any longer time than a yeer and a day without the Lords license, is is a forfeiture of his Copihold, unless he may do it by the custome.

Also if any Copiholder deny to pay his rent, or deny to come to his Lords Court, or deny to be sworn of the homage, or deny to go with his Lord to suppress rebels, every one of these denials is a forfeiture of his copihold.

Also if any copiholder hath sold any of his copihold land by deed and made livery of seisin thereof according to the deed, it is a forfeiture of so much as he hath so sold.

Alſo if any Copiholder hath cut down any Timber trees within his Copihold without licence, or lopped any Timber trees there at an unſeaſonable time of the yeer, by reaſon whereof they die, either of both is a forfeiture of his copihold.

Alſo if any copiholder ſuffer his copihold tenement to decay and fall down for lack of reparations, it is a forfeiture of his copihold.

Alſo if a copiholder be a Recuſant, if his Lord alſo be not a Recuſant, he ought to forfeit his copihold eſtate according to the ſtatute Law made *ann.* 35. *El.*

Alſo if any copiholder have ſurrendred his copihold tenement into the hands of two of the tenants ſince the laſt court to the uſe of any perſon, every ſuch ſurrender ought to be preſented at this Court, or elſe the tenants which took ſuch ſurrender, ought to forfeit their copiholds, becauſe it may be thought if they do not preſent it, that they go about not only to defeat the Lord of his fine, but alſo to diſinherit the party to whoſe uſe the ſame ſurrender was taken.

Alſo if any Copiholder having two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Alſo if any Villain or Bondman of blood, hath purchaſed any Land within his Lordſhip, the Lord may ſeiſe both it and ſuch villains goods at his pleaſure.

Alſo you ſhall inquire whether any Tenant of this mannor hath given any of his lands in mortmain, That is to ſay, to any religious houſe, religious perſon, and their ſucceſſors, or to any Guild, Fraternity, or corporation, and their ſucceſſors, without the Keepers of the Liberty of *England*, by Authority of Parliaments licence, and the Lords of this Mannor, for it is here inquirable and preſentable, to the end that the Lord if there be any ſuch grant made, may make his claim within the yeer and the day, according to the ſtatute in that caſe made and provided.

Alſo if any Tenant hath ſold his land by Deed, and hath

hath not given notice thereof to the Lord, nor he which bought it hath not done his fealty to the Lord, or ſuit of Court, ſo that by reaſon thereof the Lord doth not know who is his tenant, therefore you ought to preſent it: for it is very needful and neceſſary, that the lord ſhould know who is his Tenant, by reaſon of his ſervices and eſcheats which may grow due unto him.

Alſo if any Tenant within this Lordſhip hath ſuffered any houſe of husbandry to decay by taking of the land from it to lay it to another, in this caſe the Lord ought to have the moity of the profits thereof to his own uſe, untill it be made and maintained a Husbandry again, and this you ought to inquire of for the Lords benefit.

Alſo if any Tenant hath incloſed any land which hath been accuſtomed to lie open without the Lords licence and the Freeholders, you muſt preſent it, for he cannot juſtifie the doing thereof.

Alſo you ſhall inquire whether any of the Lords lands within this Mannor be withholden from him, and held and occupied without his licence, if there be any ſuch thing, then you muſt inquire by whom it is withholden, and what land it is, and what it is worth by the yeer, and how long it hath been withholden that the Lord may recover his damage for the withholding thereof accordingly.

Alſo you ſhall inquire whether there be any rent cuſtome, or ſervice, behind and unpayed to the Lord of this Mannor, by whom it is due, and what rent, cuſtome, or ſervice it is, how long it hath been withholden, and where the land lieth, that the Lord may diſtraine for the arrearages thereof.

Alſo you ſhall inquire if any Bailiff or other officer of this Mannor, hath made any arreſt for any rent, cuſtome, or ſervice, due to the Lord of this Mannor, and reſcouſe therein hath been made; you ought then to preſent him or them which made the reſcouſe, and where and when it was done.

Alſo if any diſtreſs hath been taken and put into the

lords pound, and hath been taken out from thence without leave or authority of the law, then such taking is a pound breach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattel there then by the custome he ought to have go there, or by putting of cattel there not commonable, as pigs, goats, and geese, and such like, you must present them.

Also if any Tenant of this Mannor, having two Farmes, one in this Mannor, and another in another Mannor, doth use in the Summer-time or open time of the yeer, when Corn and Hay is housed, to bring cattel from his other farm unto his farm within this Mannor, which hath been usually kept at his other farm out of this Mannor, this is called chasing, and here requirable and punishable, unless these cattel be kept within his own several grounds, and not in the common fields.

Also if any man hath removed any bounds or marks, meer-stones or stakes, between this Lordship and any other, or between tenant and tenant, you must present their names; for it is an evil office, and they deserve to be punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leave or license of the Lord of this Mannor, you must present them, for they are the Lords Realties, and therefore no man can lawfully come here to do either one or the other without his leave.

Also if any tenant by reason of his tenure ought to grinde at the Lords Mill, if he do it not, you must present him.

Also if you know any man that keepeth, derraineth, or withholdeth any of the Lords evidences of this mannor, as court rols, rentals, or immuniments appertenant and belonging to the Lord of this Mannor, you must present them, for it is fit that the Lord should have the custody of this Evidence himself.

Also if there was any thing pained at the last Court

to

to be done, and as yet is not done, you must enquire who have made default therein, and present his heirs, or their names: And you shal likewise inquire of all other things which you shall think needful to be inquired of, by me omitted, and not given you in charge, alwel as if I had given you it in charge, and so bring in your presentment in writing by one of the clock in the afternoone.

Then let the Bailiff make an O yes, and adjorn the the Court till after dinner thus:

All manner of persons that have ani more to do at this court, may depart for this time, and keep their hour here at one of the clock in the afternoone.

And then after dinner, call the Jury for their presentments; and if they be ready, take them, and swear two Affiers to affier them, as before at the Leet.

This being done, let the Bailiff make an O yes, and discharge the court thus. All manner of persons which have any more to do at this Court, let them come forth and they shall be heard, or else they and every one else may depart for this time, and keep their day here upon a new warning, and so God save the Commonwealth of *England*, and the Lord of this Mannor.

Fealty to be ministred to a customary tenant.

YOu shall swear that you shall be true Tenant, and faith and truth shall bear to the Lord of this manor, and to his heirs, for all such customary Lands and Tenements as you claime to hold of him, by vertue of your copy for term of your life: you shall also well and truely bear, pay, and do all such rents, customes, and services as are and shall be from time to time to be paid and done for the said lands to your said Lord, and his heires: you shall also be justified by your Lord and his officers, in every thing as a customary Tenant ought to be justified; and you shall in every other thing well and honestly behave your self o long as you shall be Tenant, So help you God,

and the contents of that Book. And ſo let him kiſs the Book to affirm his Oath.

But this Oath muſt be miniſtred before the Court be ended.

The Oath of the Reeve or Bailiff of a Manor.

YOu ſhall ſwear that you ſhall well and truly ſerve the keepers of the Liberty of *England* by Authority of Parliament and the Lord of this Manor for the yeer to come, in the office of the Reeve or Bailiff of the ſame Mannor; and you ſhall duly and truly gather all ſuch rents, revenues, or other yeerly profits as ſhal be extracted out unto you, and thereof you ſhall make and yeeld up a true account at the end of the ſaid yeer, and in every other thing you ſhall well and honeſtly behave your ſelf in the ſaid office during the time aforeſaid, So help you God and the contents of that Book. This muſt alſo be done before the end of the Court.

And the preſentments are to be put into this form by the Steward of the Court thus, *viz.* next after the preſentment of the freeholders, for their defaults, the copiholders thus:

Default of Copiholders.

Alſo the Jury *ſay upon their Oath, that* W. I. *four pence, and* J. R. *four pence, are tenants by Copy Rolls of the Court, and owe ſuit to the Court, and at this day hath made default, therefore is each of them amerced as appears upon their heads.*

Death.

Alſo they preſent that W. N. *who of the Lord held freely one meſſuage, and thirty Acres of medow and paſture, with the appurtinances within this Lordſhip, by fealty and ſuit of Court and by rent annual of ſix pence, dyed of ſuch eſtate ſo ſeiſed and,*

and that R. I. *is the ſon and next heir of the aforeſaid* W. I. *and is of the age of ten yeers, and to this Court came the aforeſaid* R. I. *and paid to the* Lord *for relief ſix pence, and made fealty.*

Alienation.

Alſo they ſay upon their oath, that G. B. *who of the lord held freely one meſſuage, one Orchard, and ſix acres of meadow with the appurtinences, by his deed indented bearing date the ſixt day of* I. *the yeer,* &c. *gave, granted, bargained, and ſold, all and ſingular the premiſſes aforeſaid, with the appurtinences to* R. K. *of,* &c. *to have and to hold all and ſingular the premiſſes aforeſaid with their appurtinences to the aforeſaid* R. K. *his heirs and aſſignes of the chief lords of the fee by the rent ſervices and cuſtomes,* &c. *thence heretofore due, and of right accuſtomed, and the premiſſes he holds of the* Lord *of this manor by fealty and ſuit of Court and by rent annual of* 12. *pence, and at this Court the ſaid* R. K. *made to the* Lord *fealty.*

Legation.

Alſo they ſay upon their oath that W. A. *who of the* Lord *held freely one meſſuage or tenement, and twenty acres of land called* H. *by fealty, ſuit of Court and by rent annual of ſix pence dyed ſeiſed, and by his laſt will written made, bearing date the* 28. *day of* Sept. *the yeer,* &c. *deviſed the meſſuage or tenement and the aforeſaid twenty Acres of land to certain* R. A. *and* T. A. *his ſons, by the name of all his lands, tenements, and hereditaments, ſcituate lying and being in* I. *aforeſaid, to have and hold the aforeſaid meſſuage or tenements to the ſame* R. A. *and* T. A. *their heirs and aſſigns for ever, to the proper behoof and uſe of them* R. T. *their heirs and aſſignes for ever. Therefore is it commanded to the Baily to diſtrain the aforeſaid* R. A. *and* T. A. *according to the form of a Statute in that caſe provided to pay relief, and alſo diſtrain to do fealty.*

Upon

Upon Surr.

Alſo they ſay upon their oath, that R. R *tenant cuſtomary of this mannor, out of Court ſurrendes into the hands of the Lord, by the hands of* W. T. *and* R. W. *two cuſtomary tenants of this mannor, all that meſſuage and thirty acres of land medow and paſture with the appurtenances now in the tenure and occupation of* R. B. *to the behoof and uſe of the aforeſaid* R. R. *for tenure of his life natural, and after the deceaſe of the ſaid* R. R. *then to the behoof and uſe of* T. B. *and the heirs of the body of the ſaid* T. *lawfully begotten, and for defect of ſuch iſſue of the body of the ſaid* T. B. *lawfully begotten, to remain to* I. I. *the ſon of* R. I. *gentleman, his heirs and aſſignes for ever; and they ſay that the aforeſaid* R. *is dead, and now to this Court the aforeſaid* T. B. *comes and requires to be admitted to all and ſingular the premiſſes aforeſaid, and at this Court the Lord by* I. K *his ſeneſchal, has granted thence to him ſeiſin by the verge; to have and to hold to him* T. B. *and the heirs of his body lawfully begotten; and for defect of ſuch iſſue, to remain to the behoof and uſe of the ſaid* I. I. *and his heirs for ever; and the aforeſaid* T. B. *gave the Lord as for his fine four pounds, and he did to the Lord fealty and is admitted thereof Tenant.*

Surrender by the Seneſchal taken.

At this Court witneſſed is by W. T. *ſeneſch. that* W. N. *on his death bed lying the tenth day of* A. *the yeer,* &c. *ſurrendred into the hands of the Lord, by the hands of the ſame Seneſch. (abſent being the Court) in the preſence of* R. C. R. P. *and* C. H *one tenement called* M. *in which now dwels* W. G. *with all his lands and tenements, within the mannor of* I. *to the behoof and uſe of* M. *his wife for term of her life, and after the deceaſe of her* M. *to remaine thence to* W. T. *the ſon of the aforeſaid* W *the father and* G *the daughter of the ſame* W. *the father, and the ſiſter of the aforeſaid* W. *the ſon, and to their heirs; yet upon condition following, that if it happen any of the aforeſaid* W. *the ſon or* G. *the daughter, to dye without heir of his or her body iſſuing, that then he or ſhe which ſoever ſhall ſurvive,*

vive shall have and injoy the tenements aforesaid to his, or her and their heirs for ever; and upon this came into this Court the aforesaid M. and requires to be admitted to the tenement aforesaid with the appurtenances, to whom the Lord by I. K, his seneschal. granted thereof seisin by verge to have to her in form aforesaid, at the will of the Lord according to custome of the mannor, and she gives to the Lord her fine for her entrance thereupon to be had, and maketh to the Lord fealty and admitted is thereof tenant.

Death of the Copiholder.

Also at this Court found it is by the homage that a certain W. W. *one of the sons and heir of* R. W. *deceased, held of the Lord to him and his heirs according to the custome of the mannor, the moity of two messuages or tenements, and of one garden with the appurtenances in* I. *and long before this Court dyed thereof seised within the age of ten yeers, and in the custody of* R. W. *according to the custome of the mannor, and that* S. W. *is the brother and sole heir of the aforesaid* W. W. *and of full age, who present is here in Court, and requires to be admitted to all the Lands and Tenements Customary of which he the aforesaid* W. W. *dyed seised viz. to the aforesaid moyty of two messuages or Tenements, a loft and garden with the appurtenances within that Mannor, to whom the Lord by* I. K. *his Seneschal. granted thereof seisin, to have and to hold to him and his heirs of the Lord by verg, at the will of the Lord according to Custome of the Mannor aforesaid, by the Rent, Customes and Services therefore heretofore due and accustomed; And he giveth the Lord for a Fine for his Entrance as it appears over his head; And maketh to the Lord fealty and is admitted thereof Tenant.*

Surr. in Court.

Also to this Court came I. T. *and surrendered into the hands of the Lord ten acres of land more or less, with the appurtenances called* S.

four

four Acres of Land more or less called K. and four Acres of medow more or less called C. customary to the behoof and use of R. B. gentleman, his heirs and assignes for ever by verge at the will of the Lord, according to custome of the manor aforesaid, to which R. B. the Lord by his Seneschal granted seisin to have and to hold to him and his heirs of the Lord by the rent of ten shillings by the yeer, and other services; therefore heretofore due, and he giveth the Lord for a fine for his entrance thereupon to be had, four pound, and made to the Lord fealty, and is admitted thereof tenant.

Death of a parcener.

Also the homage say upon their oath, that a certain R. S. who of the Lord held as parcener by custome of the manor, nine acres of land customary, with one grange, together with T. S. his brether to him and his heirs, dyed about the last Court so seised, and that a certain I. S. is son and next heir of the same R. as to the moity of the aforesaid land and grange aforesaid, and is of age eight yeers, and upon this as well the custody of the aforesaid I. S. as the land and grange aforesaid are committed to a certain S. I. as to his good friend, &c. And he found pledge in Court E. N. to render to the aforesaid I. the profits thereof, when the age of fourteen yeers he should attain.

Enchrochment.

Also they say upon their oath that R. W. has encroched upon the waste of the Lord at C. in length ten yard lands, and in bredth one yard land, therefore he is amerced, &c. and ordained it is that he expose the same before the feast of Saint John Baptist next under the penalty of forfeiture to the Lord for every yard-land two shillings six pence.

Rescuous.

Also they say upon their oathes that G. B. the Baily of the Lord such day and yeer, &c. within that Lordship distrained H. H. for rent of the Lord then by the said H. H. behind and not paid, And that the aforesaid H. then and there rescuous made upon the same G. B. therefore is he amerced, &c.

The form and manner of divers grants and surrenders, aswell of Copiholders of inheritance, as also of Copiholds for lives, as followeth.

Broxhead

Broxhead.

ſſ. TO the Court of the manor there held the fourteen day of Febr. the yeer, &c. came N. R. and took out of the hands of the Lord one meſſuage and yardland with the appurtinences in B. lately in the tenure of J. A. to have to him and R. P. his ſon, and to A. now the wife of the ſaid N. for the term of life of them, and either of them longeſt living ſucceſſively according to the cuſtome of the manor aforeſaid by the rent and ſervice, before thence due and accuſtomed, and he giveth to the Lord for ſuch eſtate ſo thereof to be had three pound, and maketh to the Lord fealty, and is admitted thereof tenant, and the fealties of the aforeſaid R. and A. are reſpited untill, &c.

By I. W. Seneſch there.

Forfeiture of Cop' and retaking.

TO this Court, &c. the homage preſent that P. C. lately the relict of I. C. which of the Lord held, during her widowhood according to the cuſtome of the manor one meſſuage, &c. with the appurtinences in A. took for Husband R. L. by which forfeited ſhe has her eſtate in the premiſſes, and ſo remaineth it in the hands of the lord, upon which proclamation made is, If any one, &c, whereupon came the aforeſaid R. L. and took out of the hands of the lord one meſſuage, &c. with the appurtinences, to have to him for term of his life, according to cuſtome of the manor aforeſaid, by rent and ſervices thereof before due, and of right accuſtomed, and he giveth to the Lord for a fine, ſuch ſtate ſo thereof to have, ſix pound and maketh to the Lord fealty, and admitted is thereof tenant.

Grant of reverſion.

TO the Court, &c. came W. H. and took out of the hands of the Lord, the reverſion of one meſſuage, &c. with the appurtinences

in Y. *now in the tenure of* J. H. *widow lately the wife of* W. H. *to have and to hold the reversion aforesaid, to the aforesaid* W. H. *and* B. *his son, for term of the lives of them, and either of them longest living successively according to the custome of the mannor aforesaid, when by the death surrender or any forfeiture of the foresaid* I. *in any manner done or committed to the hands of the Lord to come it shall happen, by the rent and services thereof before due and of right accustomed, and he giveth to the Lord for a fine for such reversion so thereof to be had seven pound, and his fealty is respited until,* &c.

Death.

THe *Jurors present, that* I. C. *who of the Lord held one tenement with its appurtenances in* I. *in which* I. C. *the father of the aforesaid* I. *lately dwelt deceased about the last Court, whence fell to the Lord for Heriot one Ox of the price of fourty shillings delivered to the use of the lord of this mannor, whereupon proclam. made was in Court, I say man,* &c. *upon which came* Ann *the relict of the aforesaid* I. *and claims the premisses during her widowhood, according to the custome of the manner by rent works, customes and services thereof due and accustomed,* &c.

Surr. and retaking.

TO *this Court came* C. W. *who of the Lord held by Copy Rolle of the Court dat,* &c. *one Tenement,* &c. *with the appurtenances in* E. *sometime in the tenure of* R. C. *and all those surrendred into the hands of the Lord, and all his estate title and interest in the premisses with that intention that it would please the Lord a new grant thereof to him the aforesaid* C. W. *and others to make, according to the custome of the mannor aforesaid; upon which surrender there fell to the Lord for Heriot of agreement twenty shillings; and into the same Court came the said* C. W. *and took out of the hands of the Lord the said tenement,* &c. *with its appurtenances, to have to the same* C. W. R. *and* I. W. *his sons for term of life of them and either of them longest living successively, according to the custome of the*

the Manor aforesaid, by the rent, works, customes, and services thereof before due and of right accustomed, and for such estate and entrance so thereof to be had, the aforesaid C. W. *gives the Lord for fine* 26.l. *and maketh to the Lord fealty, and so the aforesaid* C. W. *admitted is thereof tenant, and the fealties of the aforesaid* R. *and* I. *respited are unnill, &c.*

Grant of Copy-hold of Inheritance by the Yard.

AT *this Court the Lord granted out of his hands by* I. F. *his chief Seneschal to* T. D. *&* A. *his wife, one Mes', &c. with all the appurtenances lying at* B. *to whom the Lord by by his Seneschal aforesaid granted seisin to have to them and their heires of the Lord by the Yard, at the will of the Lord, according to the custome of the Manor aforesaid, and they give the Lord for a fine for entrance thereof to be had, as it appears upon their heads, and he made to the Lord fealty, and is admitted thereof tenant*

Grant for annuall Rent.

AT *this Court the Lord granted by* I. F. *his Seneschal to* T. B. *and* M. *his wife one Messuage with six Acres of land, &c. with the appurtenances, to the aforesaid* T. M. *their Heirs and Assignes, at the will of the Lord, according to the custome of the Manner, rendring therefore yearly to the Lord his heirs (and successors if the Lord be a Bishop or Dean, &c.)* 6.s. 8.d. *for all and singular the services at two tearms of the yeare, viz. at the feast of* S. Mich. *the Archangel, and the Annunciation of the blessed virgin* Mary, *by equall portions, and they give to the Lord for a fine, &c. and made fealty, and are admitted thereof tenants.*

Court in ancient Demesne.

TO this Court held there such day and year, A.C. the son and heir of I.C. came, and surrendred into the hands of the Lord one Messuage, &c. in D. within the Jurisdiction of this Court, to the behoof and use of T.H. his heires and assignes for ever, by vertue of bargain or partition betwixt them made, and upon this publick proclamation in the same Court made was, that if any man any right or title to the same Messuage, Land, &c. or in any parcel thereof pretend will, or has, he should come and be heard, and no man came at this Court, wherefore according to the custom of the Mannor aforesaid, the Mess. and Land &c. remain should in the hands of the Lord, untill the third Proclamation them concerning be made, whereupon day is given to the parties aforesaid, to be at the next Court of the Mannor aforesaid, to hear thereof their judgement upon the Premises.

And at this Court held there such day and year, as well the afor said A.B. as the aforesaid T.H. came, and hereupon the second Proclamation made was concerning the Premises, that if any man any right or title to the same Messuage Land, &c. has or pretends, he should come and be heard, and no man came, and upon this day was given to the parties aforesaid to be here at the next C. of the Mannor

aforesaid

aforesaid, to hear thereof their judgment upon the premises.

And at this Court there held such day and year, as well the aforesaid A.C. as T.H. came, and hereupon the proclamation made was upon the premises, that if any man any right or title to the aforesaid Messuage land, &c. or in any parcel of these has or pretends, he should come and be heard, and no man yet came, whereupon the Lord by I.H. his seneschale granted hath, seisin of the aforesaid Messuage, &c. with their appurtenances aforesaid to T.H. to be held to him, his heires and assignes, according to the custom of the Mannor aforesaid, and he gives to the Lord for a Fine for his entrance, &c. and made to the Lord fealty, and is admitted thereof Tenant.

Otherwise in ancient demesne where the wife is examinned.

AT the Court held there such day and year, T.B. of N. and E. his wife in the presence of the Court alone examined and confessed, surrendred into the hands of the Lord, one Messuage and half an Oxgang of Land, with the appurtenances in D. called R. to the use of W.C. of O. whence fell to the Lord one horse for Heriot, and upon this came the said W.C. and took of the Lord the said Messuage, &c. with the appurtenancee, to have and to hold, to him and A. his wife, and the heires and assignes of him W. for ever, according to the custom of the Mannor aforesaid, by the rent customes and services thereof before due and accustomed, and they give to the Lord for a Fine for entrance to have in the said Messuage and other the Premises, &c. and they made fealty, and are admitted thereof Tenants.

Surrender to the Baily out of Court.

At this Court, &c. found it is that T.C. out of the Court surrendred into the hands of I.B. Baily in the presence of D.R. and other the Tenants of the L. of this Mannor this witness. one acre of Land in R. heretofore the Land of T.R. to the use of W.I. to whom the Lord thereof granted seisin, to be held to him and his heires, &c.

A Surrender upon Condition.

TO this Court, &c. came I.C. *and ſurrendred into the hands of the Lord, one Cottage lying, &c. to the behoof and uſe of* I.A. *to be held to him and his heires of the Lord at the will of the Lord, according to the cuſtom of the manner, under the Conditions following,* viz. *if the aforeſaid* I.A. *pay, or to be paid cauſe to the aforeſaid* I.C. xl s. *at the Feaſt of Saint* John Baptiſt, *and all Saints next comming, after the date of this Court by equal portions, that then the preſent ſurrender to be of ſtrength and effect, and if he fail in the payment aforeſaid, in part or in whole, that then well may the aforeſaid* I.C. *and his aſſignes to reenter, and again have the aforeſaid Cottage, this ſurrender in any thing notwithſtanding, and he giveth the Lord for a Fine, &c. and made fealty, and admitted is thereof Tenant.*

Grant of a *Copyhold* forfeit.

AT the Court, &c. held ſuch day and year, &c. commanded it was to the Baily to ſeiſe into the hands of the Lord, one Tenement with the appurtenances lately in the tenure of I.B. *called* R. *for that he aliened and ſold the ſaid Tenement to a certain* T.V. *without the Licenſe of the Lord, &c. And thereof ſhall he anſwer to the Lord for the iſſues untill, &c. And in this ſame Court the Lord of his grace ſpecial*

ſpecial hath granted the ſaid Tenement with appurtenances to the aforeſaid I.B. *to whom the Lord thereof hath granted ſeiſin to have to him and his heires, &c. of the Lord at will according to the cuſtome of the Mannor aforeſaid, and he giveth the Lord for a Fine, &c. and hath made to the Lord fealty, and admitted is thereof Tenant.*

Copy for tearm of years.

AT this Court the Lord by I.F. *his ſeneſcale granted to* E.R. *one Meſſuage, &c. with the appurtenances called* A. *to have and to hold to him and his aſſignes, from the Feaſt of Saint* Mich. *the Archang. next to come after the date of this Court, to the end and term of fourty years from thence next following, and fully to be compleated, rendring therefore annually twenty ſhillings at two terms of the year, viz. &c. by equal portions; provided alwayes that during the term aforeſaid, the aforeſaid Lord ſhall finde Timber, Mortar, & Wood, as oft as neceſſary it ſhall be the ſaid Tenements to mend, repair, and ſuſtain, and he giveth the Lord a Fine, &c. and made the Lord fealty, and admitted is thereof Tenant.*

Releaſe in Court of a Title.

AT this Court held, &c. found it is that the Lord by T.P *his ſeneſcal, at the Court held at* C. *ſuch day and year granted into the hands of* W.P. *and to his heires one piece of ground containing about three acres of Land more or leſs, ſometime the Land of* T.C. *in* A. *lying there betwixt the Land of* A B. *on the South part, and the Land of* W.S. *on the North part, to have and to hold, &c. at the will of the Lord, according to the cuſtom of the Mannor, and after came a certain* A.W. *before the aforeſaid* T.P. *ſeneſcale of the Lord, and pretends to have title to the ſaid piece of Land, and here preſent in the Court, remiſed, rel eaſed, and for ever quit claimed, to the aforeſaid* W.P. *and his heires by licenſe of the Lord at his right and claim which he hath or had, or for the future have may in the aforeſaid piece of Land, and in any parcel thereof, ſo that*

viz. neither he A, nor his heirs, nor any other in the name of them, any right or claim in the aforesaid piece of land hereafter make or challenge may, but from all action of right or claim be excluded for ever by these presents and giveth to the Lord, &c. and maketh fealty, &c.

Grant to the heir after the Fathers death.

AT *this Court held, &c. found it is, that* I. B *dyed seised, after the last Court, who of the Lord held to him & his heirs one tenement called* E. *and dyed thereof seised, and they say that* R.B. *his sonne is next heir, and of full age, or within age, if he be within age, viz. of* 12 *yeares, and in the custody of* T.W. *or* R.M. *his brother or kinsman, and present here in Court, sues to be admitted, & admitted is thereof tenant, to hold to him and his heirs of the Lord at the will of the Lord, according to the custome of the Manor, &c. and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c.*

Otherwise of an intail with remainders.

AT *this Court found it is, that* R. B. *of* A. *at the Court held such a day and year, &c. at* E. *surrendred into the hands of the Lord one tenement, &c. called* C. *to the use of* R.B. *the son of the same* R. *and* A *his wife, to whom the Lord granted seisin to hold to them and the heirs of their bodies lawfully begotten. And if the aforesaid* R. *and* A. *his wife shall die without heirs of their bodis lawfully begotten, that then the aforesaid tenements, &c. with the appurtenances, shall remain to the right heirs of him* R. B. *And now this Court is informed by the whole homage, that the aforesaid* R *and* A *are dead without heirs lawfully betwixt them begotten, and the aforesaid* R B. *likewise, and hereupon comes* I. B. *brother and heir of the aforesaid* R. B. *and sues to be admitted, and admitted is tenant, &c. and by licence of the Lord, the aforesaid* I. B. *sues to be admitted to the aforesaid tenement with the appurtenances, to whom the Lord thereof granted seisin, to hold at the will of the Lord according to the custome of the Manor, and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c.*

Otherwise

Otherwise. A copy for life, with divers Remainders over.

TO *this Court came* A.T. *and surrendred into the hands of the Lord one Messuage &* 8 *Acres of land customary called* I. *that the Lord may doe thereupon at his will, and the Lord thereof had seizin, and of his grace speciall he regranted the aforesaid Messuage and land to the aforesaid* A.T. *and* K. *his wife, during their lives, so that after the decease of them, the aforesaid land and tenement should remain to the right heirs of him* A. T. *for ever, to hold to the same* A. T. *and* K. *his wife during the life of them by the verge at the will of the Lord according to the custome of the Manor in form aforesaid, saving the right of every man, and the aforesaid* A. T. *and* K. *gave the Lord for a fine, &c. and made fealty, &c.*

Surrender out of the Court and Remainder with condition upon the death-bed.

AT *this Court found it is, that* R.I. *languishing on his death-bed, surrendred into the hands of* B.R. *out of the Court by the hands of* I.H. *in the presence of* A.C. *and* B.D *tenants of this Manor, this Test. one Messuage with the appurtenances, &c. to the use of* A. *the wife of the aforesaid* R..I. *to hold to her by the service therefore due according to the custome of the Manor for term of her life, so that after the death of the said* A, *the aforesaid Mess. shall remain to* I. *the son of the aforesaid* R. *and* A, *and the Heires of his body lawfully begotten. And if it shall happen that the said* I. *shall die without Heire of his Body lawfully begotten, that then the aforesaid Messuage by the Executors of either of them longest living*

viz. neither he A, *nor his heirs, nor any other in the name of them, any right or claim in the aforesaid piece of land hereafter make or challenge may, but from all action of right or claim be excluded for ever by these presents and giveth to the Lord, &c. and maketh fealty, &c.*

Grant to the heir after the Fathers death.

AT *this Court held, &c. found it is, that* I, B *dyed seised, after the last Court, who of the Lord held to him & his heirs one tenement called* E, *and dyed thereof seised, and they say that* R.B. *his sonne is next heir, and of full age, or within age, if he be within age, viz.* of 12 *yeares, and in the custody of* T.W. *or* R.M. *his brother or kinsman, and present here in Court, sues to be admitted, & admitted is thereof tenant, to hold to him and his heirs of the Lord at the will of the Lord, according to the custome of the Manor, &c. and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c.* Otherwise of an intail with remainders.

AT *this Court found it is, that* R. B. *of* A. *at the Court held such a day and year, &c. at* E. *surrendred into the hands of the Lord one tenement, &c. called* C. *to the use of* R.B. *the son of the same* R. *and* A *his wife, to whom the Lord granted seisin to hold to them and the heirs of their bodies lawfully begotten. And if the aforesaid* R. *and* A. *his wife shall die without heirs of their bodis lawfully begotten, that then the aforesaid tenements, &c. with the appurtenances, shall remain to the right heirs of him* R. B. *And now this Court is informed by the whole homage, that the aforesaid* R *and* A *are dead without heirs lawfully betwixt them begotten, and the aforesaid* R B. *likewise, and hereupon comes* I. B. *brother and heir of the aforesaid* R. B. *and sues to be admitted, and admitted is tenant, &c. and by licence of the Lord, the aforesaid* I. B. *sues to be admitted to the aforesaid tenement with the appurtenances, to whom the Lord thereof granted seisin, to hold at the will of the Lord according to the custome of the Manor, and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c.*

Otherwise

Otherwiſe. A copy for life, with divers Remainders over.

TO this Court came A.T. and ſurrendred into the hands of the Lord one Meſſuage & 8 Acres of land cuſtomary called I, that the Lord may doe thereupon at his will, and the Lord thereof had ſeiſin, and of his grace ſpeciall he regranted the aforeſaid Meſſuage and land to the aforeſaid A.T. and K. his wife, during their lives, ſo that after the deceaſe of them, the aforeſaid land and tenement ſhould remain to the right heirs of him A. T. for ever, to hold to the ſame A. T. and K. his wife during the life of them by the verge at the will of the Lord according to the cuſtome of the Manor in form aforeſaid, ſaving the right of every man, and the aforeſaid A. T. and K. gave the Lord for a fine, &c. and made fealty, &c.

Surrender out of the Court and Remainder with condition upon the death-bed.

AT this Court found it is, that R.I. languiſhing on his death-bed, ſurrendred into the hands of B.R. out of the Court by the hands of I.H. in the preſence of A.C. and B.D tenants of this Manor, this Teſt. one Meſſuage with the appurtenances, &c. to the uſe of A. the wife of the aforeſaid R..I. to hold to her by the ſervice therefore due according to the cuſtome of the Manor for term of her life, ſo that after the death of the ſaid A, the aforeſaid Meſſ. ſhall remain to I. the ſon of the aforeſaid R. and A, and the Heires of his body lawfully begotten. And if it ſhall happen that the ſaid I. ſhall die without Heire of his Body lawfully begotten, that then the aforeſaid Meſſuage by the Executors of either of them longeſt living

living be ſold, and the monies thence received, and ariſing on the poore, and other almes to be diſpoſed, and diſtributed, as to them beſt ſhall ſeem expedient, to whom the Lord thereof granted ſeiſin to hold in forme aforeſaid, at the will of the Lord according to the cuſtome of the Manor, and they give the Lord for a fine, &c. and make fealty, &c.

Supplication of the Tenant to the Lord.

TO this Court came R. C. *inſtantly ſupplicating, as he for many times hypaſt hath ſupplicated, and proffers the Lord a fine annuall, for the reaſon of exemption, that he of grace ſpecial and favour, becauſe of old age, , infirmneſſe & weakneſſe of his body, may be exonerated hereafter, from all and ſingular Inqueſts, Furies and Offices whatſoever, as well in this town as elſwhere within the ſaid Manor to be caſt upon him and aſſigned. Wherefore out of reſpect of his old age, together with his infirmneſſe and weakneſſe under the fine annuall in name of the exemption therfore proffered and his ſuggeſtion, to the tenants ſeeming that truly he had teſtified in the premiſes. Now the Lord has granted in this Court by* I.F. *his Seneſchal to the aforeſaid* R. C. *licence, his favour and exemption for term of life, & the aforeſaid* R. C. *gives the Lord for an annuall rent,* 4. d. *payable at the terms uſuall.*

Licence for ſuit of Court.

TO this Court came I.S. *Villeni of the Lord, & gives for a fine for ſuit of Court to be reſpited for one year,* 2. s.

Licence to marry his daughter.

TO this Court came I.S *Villeni of the Lord of this Manor, and requeſts licence to marry his daughter within this Lordſhip or without, and the Lord by* I. W. *his Seneſchall hath granted licence, &c.*

Licence to demiſe Tenem. cuſtomary.

TO this Court came T. R. *and requeſts licence of the Lord to demiſe, all and ſingular his lands and tenements cuſtomary, ſituate, lying and being within this Lordſhip*

ſhip to what perſon or what perſons ſoever it ſhall pleaſe the ſame T. R. *for the term and to the term of* 21. *year next following the date of this Court, to which* T. R. *the Lord licenſe hath given in form aforeſaid, for the Fine of* 10s. *paid in the Court to the uſe of the Lord of this Mannor.*

Note, that there is no manner of eſtates made of free land by deed pole, or deed indented, but the like eſtates may be made by copie of Court roll of copihold Land of inheritance, and entred in the Court rolls: and the Steward is bound by Law and conſcience to be an indifferent judge between the Lord and his Tenants, and to enter their copies truly, in the Lords Court rolls, the which are the Lords Regiſter to know his preſidents, cuſtomes, and ſervices: And alſo they are a great ſurety to the Tenants, that if their copies by any caſual means be loſt, they may reſort to the Lords Court rolls, and the Steward may make them new copies, according to the old preſident in the Lords Court roll: like as at the Common Law, when a matter in variance between two men is paſſed by verdict, and judgement given thereupon and entred in the Keepers of the Liberties of *England* by authority of Parl. Records, there it reſteth of Record to be found if occaſion ſerve to ſearch for it. And alſo if a Deed or a Patent be inrolled, there it remaineth of record to be ſeen, if need be, and any man that hath occaſion may have a copie thereof, if they ſue to the Judges and the officers of the place where the record lieth, and they may have it exemplified under the ſeal of the office of the ſame place where ſuch record lieth, if he will be at the charge thereof. And alſo if a man have occaſion he may plead the ſame record in any of the Keepers of the Liberties of *England* by authority of Parliament Courts. And the Lords ſteward may do the like with his Court Rolls.

Pleas

Pleas of a Court Baron.

R H. *plains againſt* C.E. *and* A. *his wife of a plea of Land, viz. of one Meſſuage, two Cottages, twenty acres of medow paſture, with the appurtenances in* I. *within the Juriſdiction of this Court, and hath made proteſtation to proſecute this plaint, in form and nature of the Writ of the Keepers of the Liberties of* England, *of* Formdon *in remainder at the Common Law, and hath found pledges to proſecute that plaint in form and nature aforeſaid, viz.* I.H. *and* R.M. *and he requires proceſs hereupon to be made him, according to the Cuſtom of the Mannor aforeſaid, againſt* C. *and* A. *his wife, therefore according to the cuſtom of the Mannor, the contrary of which within the memory of men is not uſed, commanded is it to the under Baily of the Mannor aforeſaid, and Miniſter of the Court aforeſaid that he ſummon by good ſummons the aforeſaid* C. *and* A. *that they before the ſuitors of the Court aforeſaid, at the next Court of the Mannor aforeſaid on* Thurſday *viz. the* 20. *day of* Ju. *the year &c. at the Mannor aforeſaid to be held, to anſwer the aforeſaid* R H. *of the aforeſaid plea, &c. the ſame day is given to the aforeſaid* R. *here, &c. at which next Court came as well the aforeſaid* R.H. *as the aforeſaid* C. *and* A. *by* I.R. *their Attorney, and the aforeſaid Miniſter of the Court aforeſaid returned here in Court, that he by vertue of the precept aforeſaid to him directed, ſummoned the aforeſaid* C. *and* A. *by good ſummons, viz. by* I.C. *and* R.R. *to be here at this Court to anſwer the aforeſaid* R.H. *of the aforeſaid plea of the aforeſaid Meſſuage, two Cottages, twenty acres of Land, twenty acres of Medow, and twenty acres of Paſture, with the appurtenances as to him commanded was, and upon this the aforeſaid* R.H. *demands againſt the aforeſaid* C. *and* A. *the Tenements aforeſaid with the appurtenances, as his right and inheritance, ſaying, that a certain* W.H. *was ſeiſed of the Tenements aforeſaid, with the appurtenances in his demeſne as of Fee, at the will of the Lord, according to the cuſtom of the Man-*

nor aforesaid, and so seised being according to the custom of that Mannor, from the time out of the memory of men, used and approved, at the Court of the Mannor aforesaid, held at I. within the precinct of the Mannor aforesaid, Wednesday next after the Feast of P. the year, &c. by I.A. and T.P. deputies of the Bailies of the Mannor aforesaid, in the presence of T.C. T.S. R.L. I.M. T R. and I.B. then Tenants of the Lord of the Mannor aforesaid, surrendered into the hands of the Lord, the Tenements aforesaid with the appurtenances, to the behoof and use of a certain M. then Wife of the aforesaid W.H. to hold for the term of her life, and after the decease of the said M. the Tenements aforesaid, with the appurtenances wholy should remain to a certain I.H. the son of N. H. the brother of the aforesaid W. H. and the heires of his body lawfully begotten, and for defect of such issue of the said I. the aforesaid Tenements with the appurtenances wholly to remain to a certain E.H. daughter of the aforesaid W.H. to hold to her and the heires of her body lawfully begotten; and for defect of such issue of the same E. the aforesaid Tenements with the appurtenances, wholly to remain to the right heires of the aforesaid W.H, and their heires for ever. By vertue of which surrender, the aforesaid M. was seised of the Tenements aforesaid in her demesne as of Frank tenement at the Will of the Lord according to the custom of the Mannor aforesaid in the time of peace, &c. taking thereof the explees to the value, &c.

and

And from the ſame M. *remained a right by forme of the ſurrender aforeſaid, according to the cuſtome of the Manor aforeſaid to* I. H. *by which the ſame* I. *was ſeized of the tenements aforeſaid, with the appurtenances in his demeſne, as of fee-tail at the will of the Lord, according to the cuſtome of the Manor by form of ſurrender aforeſaid, in the time of peace in the time of the Lord* Edward *lately King of* England *the ſecond, taking the Eſplers to the value, &c. and from him* I. *after the death of* E. *becauſe both the aforeſaid* I. *and* E, *dyed without heir of their body lawfully begotten, remained hath the right by form of the ſurender aforeſaid, according to the cuſtome of the Manor aforeſaid to this* R, H, *who now demands, viz. as ſon and heir of* W. H. *brother and heir of the aforeſaid* W. H, *&c. and thereof produces his ſuit, &c.*

And the aforeſaid C *and* H, *by* T. *their Attorney, come and defend their right, when, &c. and ſay that the aforeſaid* W, H. *give not the tenements aforeſaid with the appurtenances to the aforeſaid, and the heirs of his body iſſuing. So that if the aforeſaid* W. H, *ſhould die without heirs of his body iſſuing, the tenements with the appurtenances to the aforeſaid* R H. *and the heirs of his body iſſuing ſhould remain for ever in the form which the aforeſaid* R, H, *by his Writ and Court aforeſaid ſuppoſes, and of this, &c. therfore the twelve, &c.*

Plaints of Mort d'anceſter.

R. C. *plains againſt* W. L. *and* E. *his wife, of a plea of land, viz. of one Meſſuage, thirty Acres of Medow, and one hundred Acres of Paſture, with the appurtenances in* L. *within the juriſdiction of this Court, and made proteſtation to proſecute this Plaint in form and nature of the Writ of the Keepers of the Liberties of* England, *&c. of aſſiſe of* Mort d'anceſter *at the Common Law, &c. and he requires proceſs for him to be made, according*

according to Cuſtom of the Mannor in form and nature of the Writ aforeſaid to be directed to the Baily and Miniſters of this Court, and that the ſame Baily and Miniſters, by Mandate and precepts of the Lord of this Mannor, and according to the Cuſtome of the ſame Mannor ſum. by good ſum. 12 good and legall men of the homage of the ſame Mannor, that they be before the ſeneſcal of the ſame Mannor, at the next Court within this Mannor to be held, ready by Oath to acknowledge, if R.C. *the Father of the aforeſaid* R *was ſeiſed in demeſne as of Fee, at the will of the Lord, according to the Cuſtome of this Mannor, the day he died, of and in one Meſſuage, 30. acres of Medow, 100. acres of Paſture of Land cuſtome of this Mannor with the appurtenances called* C. *within the Juriſdiction of this Court the day he died, and if the ſame* R. *the Father died within fifty years now laſt paſt, and if the aforeſaid* R. *the ſon be next heir of the aforeſaid* R. *the Father, and in the mean time the Lands and Tenements aforeſaid let them view, and that they ſum. by good ſum. the aforeſaid* W. *and* E. *who the ſame Lands and Tenements now hold, that they be there to hear the recogn'. and he found pledges to proſecute the plaint aforeſaid.* I.Doo. R. Roo.

Barre.

And now here in this Court comes the aforeſaid W.L. *in his proper perſon, and ſaies that the aforeſaid* R. *Father of the aforeſaid plaintiff ſeiſed was not in his demeſne', as of Fee at the will of the Lord, according to the Cuſtome of this Maunor, the day he died of the aforeſaid Meſſuage, and thirty acres of Medow, and one hundred acres of Paſture with the appurtenances, in manner and form as by the aforeſaid plaintiff before is ſuppoſed, and this he requires may be inquired by the aſſiſe, and the aforeſaid plaintiff likewiſe, &c.*

Entrie

Entre in the *Per* and *Cui*.

TO *this Court comes* I. N. *in his proper person, and plains against* T. M *of a plea of land, viz. of one Messuage, one Garden, and one Orchard with the appurtenances, and he found pledge to prosecute this plaint aforesaid, viz.* I B. *and* R. R. *and he protests to prosecute his plaint aforesaid of one Messuage, one Garden, and one Orchard with the appurtenances in* S. *in nature and form of the Writ of the Keepers of the Liberties of England, &c. of Entre in the* Per *and* Cui, *saying that the same Messuage, Garden and Orchard with the appurtenances, are his right and inheritance according to the custome of the Manor aforesaid, and into which the aforesaid* T. M. *has not Entrie, but by* E. *lately the wife of* W.M. *and daughter of* R. P. *to whom the aforesaid* R. P. *and* M. *his wife those demised, who thereof unjustly, and without judgement disseised* R. N. *the father of him* I. N. *within 50 years last past, &c. & he requires processe thereupon for him to be made against the aforesaid* T. M. *according to the custome of the Manor; therefore according to the custome of that Manor commanded is it, to* I.B. *under Baily of the same Manor, & the Minister of the Court aforesaid, that according to the custome of the Manor aforesaid, he summon by good summons the aforesaid* T.M. *that he be at the next Court, viz. the fourth day of* M. *next to come here to be held, to answer the aforesaid* I. N. *the plea aforesaid, &c. the same day is given to* I. N. *here, &c.*

Common

Common Recovery in right Patent by consent.

TO this Court comes A.B. Citizen and Merchant of L. in his proper person, and plains against W.W. of a plea of Land, viz. of one Messuage, one Garden, and one Acre of land with the appurtenances in I. held of this manner by copy of Court Roll, and makes protestation to prosecute his plaint aforesaid, in the Court aforesaid in form and nature of the Writ of the Keepers of the Lib. of Eng. &c. of right patent at the Common Law, according to the custome of the Manor, and found pledge to prosecute his plaint aforesaid here in the Court aforesaid, viz. Io. Den. and Ri. Fen. & requires processe thereupon to be made, against the aforesaid W. W according to the custome of the Manor aforesaid, therefore according to the custome of the Manor aforesaid, commanded it was to I. S. Baily of the Manor aforesaid, and Minister of this Court, that he summon the aforesaid W.W. so that he be here at the next Court of the Manor aforesaid here, viz. Saturday the 4. of January to bee held, to answer A. B. the plea aforesaid, and that then he have there the names of the summons and this writ, and the same day is given to the demandant here, &c. And now, viz. to this Court came the aforesaid W.W. in his proper person, & in full Court here freely offered to answer the aforesaid A. B. the plea aforesaid by good summons, that is to wit, I. D, R. R, according to the custome of the Manor aforesaid, and upon this now to this Court the aforesaid A, B, viz. in his proper person, comes and demands against the aforesaid W, W, the Messuage aforesaid, Garden and Acres of Land aforesaid with the appurtenances in I, aforesaid held of this Manor by copy of the Rolls of this Court, as his right and inheritance, and whence he sayes that himself, was seised of the tenements aforesaid with the appurtenances in his demesne, as of the fee and right, according to custome of the Manor aforesaid in the time of peace, &c. taking thereof the explees to the value, &c. And that such is his right he offers, &c.

Answer

Anſwer.

And the aforeſaid W.W. *comes and defends his right when, &c. and ſeiſin, of which ſeiſin, &c. as of Fee and right, &c. and eſpecially of the Tenements aforeſaid with the appurtenances and the whole, &c. and puts himſelf upon the homage of the aforeſaid Keepers of the Liberties, &c. of the Court aforeſaid, according to the cuſtom of the Mannor aforeſaid, and requeſts recogn. to be made, whether he more right has to hold the Tenements aforeſaid with the appurtenances, as he holds, or the aforeſaid* A.B. *to have the Tenements aforeſaid with the appurtenances as he above demands, &c,*

Imparlance.

And the aforeſaid A.B. *requires licenſe thereupon to imparle untill the eleventh hour before noon of the ſame day, and he hath, &c. and the ſame hour is given to the aforeſaid* W. *here, &c. and after the ſame* A.B. *again came here into the Court the ſame day at the aforeſaid hour in his proper perſon, and the aforeſaid* W.W. *though ſolemnly exacted, came not again, but in contempt of the Court receded and default made, therefore according to cuſtom of the Mannor aforeſaid, granted is it by the Court that the aforeſaid* A.B. *recover his ſeiſin againſt the aforeſaid* W. W. *of the Tenements aforeſaid with the appurtenances according to the cuſtom of the Mannor aforeſaid, to hold to the ſame* A.B. *and his heires*

according

according to the cuſtome of the ſaid Manor quit of the aforeſaid W. W. *and his heirs for ever, and the ſame* W. W. *is amerced, &c. and now at this court the Lord in execution of the judgment and recovery aforeſaid, by his Seneſchal granted to the aforeſaid* A. B. *of the tenements aforeſaid with the appertinences ſeiſin, to hold to him, his heirs and aſſignes by the yard at the will of the Lord according to the cuſtome of this Manor, and he made therefore to the Lord a fine and fealty, and admitted is thereof tenant.*

And after, to wit) to this ſame court aforeſaid A. B. *then preſent being, came alſo the aforeſaid W. W. and ſurrendred into the hands of the lord the tenements aforeſaid with the appertinences to the behoof and uſe of the aforeſaid* A. B. *his heirs & aſſigns for ever. And further the aforeſaid W. W. hath remiſed, releaſed, and all things for him and his heirs for ever quit claimed to the aforeſaid* A. B. *his heirs & aſſignes, in his ful & peaceable poſſeſſion & ſeiſin being the day of the making the preſent, all his right, eſtate, title, claim, intereſt or demands whatſoever, which at any time he had, has or by any manner hereafter have may of or in the tenements aforeſaid with the appertinences, or in any parcel of the ſame, ſo that, viz. neither the aforeſaid W. W. nor his heirs, nor any of them, any right, title, eſtate, claim, intereſt or demand of or in the tenements aforeſaid with the appertinences, nor in any parcel of the ſame hereafter exact, claim or challenge may nor ought for the future, but from all action of right, title, claim, uſe, intereſt and demand therefore to be made, for ever be excluded, and let every of them be excluded by theſe preſents. And beſides the aforeſaid W. W. grants for himſelf and his heirs, that he does warrant the tenement aforeſaid with the appertinences to the aforeſaid* A. B. *and his heirs againſt all men for ever.*

Common recovery in Entrie in the Poſt by conſent.

And after (to wit) to this Court came R.M. *and* W.M. *and plain againſt the foreſaid* M. M. *a plea of land, viz. of the aforeſaid eighteen acres of meadow, and made proteſtation to follow this plaint in form and nature of the writ of the Keepers of the Liberties* &c. *of entry upon diſſeiſin in the poſt; and upon this the aforeſaid* R. *and* W. M. *in their proper perſons demand againſt the aforeſaid* M.M. *the aforeſaid eight acres of meadow with the appertinences in* I. *within the Juriſdiction of this Court, as their right and inheritance, and into which the ſaid* M. M. *entry has not, but after the diſſeiſin which* H. H. *thereof unjuſtly and without judgment made to* R. *and* W. *within thirty years now laſt paſt,* &c. *and whence they ſay, that themſelves were ſeiſed of the aforeſaid eight acres of meadow with the appertinences in their demeſne, as of fee and right at the will of the Lord, according to the cuſtom of the Mannor aforeſaid, taking thereof the explees to the value* &c. *And into which* &c. *And thereof they produce their ſuit,* &c.

And the aforeſaid M. M. *in his proper perſon came, and defends his right, whence* &c. *and vouches thereof to warrant the aforeſaid* W. T. *who preſent is here in Court in his proper perſon, and freely the aforeſaid eight acres of meadow with the appertinences to him warrant: And upon this the aforeſaid* R. *and* W.M. *demand againſt him* W. T. *tenent by his warrant aforeſaid, the eight acres of meadow with the appertinences, whence they ſay themſelves were ſeiſed of the ſame eight acres of meadow with the appertinences in his demeſne, as of fee and right, at the will of the Lord, according to the cuſtom of the Mannor aforeſaid, in the time of peace,* &c. *taking thereof the explees to the value,* &c. *And into which,* &c. *And thereof they produce their ſuit.* &c.

And

And the aforeſaid W. T. *tenent by his warrant deſends his right when, &c. and further vouches thereof to warrant* C. D. *who (to wit) preſent is here in Court in his proper perſon, and freely the aforeſaid eight acres of meadow, with the appertinences to him warranteth, &c. and upon this the ſame* R. *and* W. M. *demand againſt* C. *tenant by warranty the aforeſaid eight acres of meadow with the appertinences, whence they ſay themſelves were ſeiſed of the ſame eight acres of meadow with the appertinences in his demeſne as of fee and right, at the will of the Lord, according to the cuſtom of the Mannor aforeſaid, in the time of peace, &c. taking thereof the explees to the val', &c. and into which, &c. and thereof they produce their ſuit, &c.*

And the aforeſaid R. *and* W. M. *require licence to imparle, and have it, &c. and after the ſame* R. *and* W. M. *againe came here into the Court, at the ſame Court, in their proper perſons, and the aforeſaid* T. *though ſolemnly exacted he was, came not againe, but in contempt of the Court receeded, and default made, therefore granted is it that the aforeſaid* R. *and* W. M. *recover their ſeiſin againſt the aforeſaid* M. M. *of the aforeſaid eight acres of meadow with the appertinences, &c. and that the ſame* M. M. *have of the Land of the ſaid* W. T. *to the value, &c. and that the ſame* W. T. *further have of the Land of the aforeſaid* C. D. *to the value, &c. and the ſame* C. *is amerced &c. and upon this the aforeſaid* R. *and* W. M. *requeſt a precept to make them have plenary ſeiſin of the aforeſaid eight acres of meadow with the appertinences, to the Miniſter of the Court aforeſaid to be directed, and to them is it granted returnable here without delay, &c. And after (to wit) this ſame firſt day of April, came here into the Court aforeſaid,* R. *and* W. M *in their proper perſons, and the Miniſter of the Court aforeſaid, viz.* R. W. *certified to the Court aforeſaid, that he by vertue of the precept aforeſaid, to him thence directed the firſt day of April, to have made the aforeſaid* R. *and* W. M. *full ſeiſin of the aforeſaid eight*

acres of meadow with the appertinences as by the precept aforesaid to him commanded was, &c.

And after, to wit, to this same Court the aforesaid R. *and* W.M. *and the foresaid* W. T. *then present being came and surrendred into the hands of the Lord in the same Court, the foresaid eight acres of meadow with the appertinences to the behoof and use of the aforesaid* M. M. *his heirs and assignes, to whom the Lord by his Seneschal aforesaid granted thereof sesin by the yard, to have and to hold to him and his heirs, at the will of the Lord, according to the custome of the Mannor aforesaid, &c. and further the aforesaid* R. *and* W.M. *and* W. T. *have remised released and altogether for themselves and their heirs for ever quit claimed to the aforesaid* M.M. *his heirs and assignes in his full and peaceable possession, being in full Court, all their right, estate, claim, interest or demands whatsoever, which at any time they have had, have, or in any manner for the future have may of or in the foresaid eight acres of meadow with the appertinences, or in any parcel thereof, so viz. that neither the foresaid* R. *and* W.M. *and* W. T. *nor their heirs, or any of them any right, title, estate, claim, interest or demand, of or in the foresaid eight acres of meadow with their appertinences, hereafter exact, claim or challenge may nor ought for the future; but from all occasion of right, title, claim, use, interest and demand thereof to be made excluded, and let every of them be excluded for ever by these presents. And further the foresaid* W. T. *grants for himself and his heirs, that he does warrant the foresaid eight acres of meadow with the appertinences to the foresaid* M. M. *and his heirs against all men for ever, &c.*

Upon buying.

G.B. *plains against* R. G. *a plea of debt of* xxx. s. iiii. d. *for that, viz. that when the aforesaid* R. G. *the tenth day of April the year, &c. at* I. *within the Jurisdiction*

dition of this Court bought of the same G. B. thirteen jars of oyle, called meat oyle, for fifteen shillings and three pence, one hundred of madder for fifteen shillings and one penny, to be paid to the same G. B. when therefore required he was, which summes in the whole amount to the foresaid xxx. s. iiii. d. aforesaid. Yet R. G. though often required he was for the foresaid xxx s. iiii. d. it to the same G. B. hath not yet rendred, but to him to this time to render it hath refused, and yet refuses; wherefore he sayes that the worse he is, and dammage has to the value of x. s. and thereupon produces his suit, &c.

And the aforesaid R. G. by A. his Atturny comes and defends the force and injury when, &c. and saith, that he owith not to the aforesaid G. B. the aforesaid 30. s. 4. d. nor any penny thereof, in the form which G. B. above against him plaines: therefore granted is it, that the foresaid R. G. wage thereof his Law of the twelfth hand, pledg of Law I. M. and R. F. and they came with their Law here at the next Court, in proper person, and said it was by the foresaid Atturny of the foresaid R. G. that then they have here the same R. G. their Master in his proper person, to the perfecting his Law aforesaid, &c.

At which day here came the foresaid R. G. and perfected thereof his law aforesaid of the twelfth hand, as it ought he waged: therfore granted it is that the foresaid plaintif nothing take by his plea foresaid, but be amerced for his false clamor thence, &c. and that the foresaid defendant go without day.

And as for all other actions which will lie in this Court, you shall find sufficient presidents for them in the Hundred Court, parcell of this booke, whereunto I refer you.

Writ of Grand Cape.

I.W. *Seneſchal to the baily of the ſame Mannor greeting.* *I command thee that thou takeſt into the hands of the* *Lord, by view of good and legal men of this Mannor the third* *part of one meſſuage, and twenty acres of land with the appur-* *tinences in* I. *which* A. I. *in this Court, &c. claims againſt* T. I. *lately of* I. *as the dower of her, of the indowments of* *the foreſaid* C. I. *ſometime her husband by writ of dower,* *whereof nothing ſhe has for defect of him* T. *and the day of* *taking make known to me, and ſumm' by good ſumm' the ſaid* T. *that he be here at the next court, thereof to anſwer, and* *ſhew why he was not here at the laſt court, as ſummoned he* *was, and leave there the names of thoſe by whoſe view this* *thou haſt done, the ſumm' witneſſe, &c.*

The entre of the Grand Cape.

A. *Which was the wife of* C. L. *by* A. B. *her Attorny* *offered her ſelf at this Court againſt* T. I. *concerning a plea* *of the third part of one meſſuage & twenty acres of land* *with the appertinences in* I. *which the ſame* A. *in this court* *here claimes as her dower of the indowment of the foreſaid* I. C. *ſometime her husband, becauſe the tenements afore-* *ſaid are within this Lordſhip, and women which after the* *death of their husbands of tenements in* I. *foreſaid being* *dowable are, according to the cuſtome of the ſame Mannor* *of* A. *time in which there is not memory of men uſed* *of the third part of the ſame indowed ought to be, &c. and he* *came not and is ſummoned, &c. therefore by judgment of the* *court let the third part aforeſaid with the appertinences be* *taken into the hand of the Lord, &c. and the day, &c. the fore-* *ſaid ſumm' that he be here at the next court, &c.*

Peti

Petit Cape.

I. W. *Seneſchal to the baily of the ſame greeting. Thee I command that thou takeſt into the hand of the Lord by the view of good and legal men of this Mannor one meſſuage with the appertinences which* A. C. *in this Court claims as his right, againſt* B. R. *by plaint of formdon in remainder, for defect of him* B. *and the day of taking known make to me at the next Court, and ſumm' the foreſaid* B. R. *that he be here before, &c. ſuch day, thereof to anſwer and ſhew, why he was not here in this Court before, &c. ſuch day next paſt as ſumm' he was, and have there this precept, and how, &c.*

Entre of the Petit Cape.

T. Q. *Eſq. and* I. *his wife by their Atturney oppoſe themſelves the fourth day, againſt* H. B. *of* I. *and* A. *his wife, concerning a plea of land of the third part of eight meſſuages, and eight yardlands of land with the appertinences in* I. *which the foreſaid* T. *and* I. *in this Court claim as their dower of her* A. *of the indowment of* G. S. *ſometimes her husband, againſt them, and they came not: And they had therefore day here untill this day, to wit, the tenth day, &c. after at another time they had appeared in Court; therefore by judgement let the third part aforeſaid with the appertinences be taken into the hand of the Lord, and they be ſumm', &c. that they be here the day, &c. to hear thereof their judgment, &c.*

Habere facias ſeiſinam.

I. W. *Seneſchal to the baily of the ſame greeting. Know that* A. B. *in the Court held ſuch day, by conſideration of the ſame Court recovered his ſeiſin againſt* B. C. *of*

eight acres of land with the appertinences in I. *by default of the aforesaid* B. *And therefore I command thee that to the same* A. B. *plenary seisin of the tenements aforesaid, with the appertinencies, without delay seisin thou make to have. And have there this precept, and how,* &c. *Given,* &c.

The

The manner and form how to keep an Hundred Court, or Court Baron, commonly called a three-weeks Court, and a Court of Ancient Demeſne, as followeth.

FIrſt the Steward muſt enter in his Court book the Stile of the Court thus:

The Court of R. T. *Knight, of the Manner or Hundred of A. Weſtbrook, held there ſuch day and yeer,* &c. *before A.B. and C.D. ſuitors of the ſame Court.*

This done, then the bailif muſt ſay O-yes; that is, he muſt make an O-yes, and ſay Eſſoines and proffers before the Court three times, and then ſay. All manner of perſons that have any thing to do at this Court, draw neer, and give your attendance, and if any man wil be eſſoined, let him come forth and he ſhal be received; or if any man will enter any plaints, let him come and he ſhall be heard.

This done, if any man will enter any plaints, you muſt enter them after this manner:

A. B. *plains againſt* C. D. *a plea of debt, or a plea of treſpaſs, or a plea of taking and unjuſt detaining his cattel, or ſuch like* &c.

And if any man will be eſſoined, you muſt enter their eſſoines thus.

I. S. *is eſſoined for ſuit of Court by* W. D.

Alſo there be four other manner of eſſoins which are ſel-

ſeldome uſed to be caſt, and theſe be they, *viz.* If a man be in the warres of the Parliament of England, or Embaſſage, or in any other of the Parliaments of Englands buſineſs, or beyond the ſeas, or if any man be ſick in his bed, or if any man be letted or hindred by water, ſo that he cannot come to the court: which eſſoines muſt be entred after this manner.

I.S. *eſſonied is becauſe he is in the ſervice of the Parliament, &c.*

A.S. *is eſſoined becauſe he is beyond ſea.*

T.S. *is eſſoined becauſe he is ſick in bed.*

W.G. *is eſſoined becauſe he could not come for the overflow or height of water.*

And there be other two manner of eſſoines which are in plea, the one afterſumm', or attachment, and the other after iſſue joyned, are to be entred after this manner.

I.S. *who ſummoned was, or attached was to be here at this court to anſwer to* T.K. *a plea of debt, or ſuch like, now eſſoined is by* W.D. &c.

And the other muſt be entred after this manner.

I.S. *who hath day until this court, who the iſſue joyned betwixt* T.K. *plaintif and* I.W. *defendant, now eſſoined is by* D.W. &c.

And if it be upon a wager in Law, then it muſt be entred after this manner.

I.S. *who hath day to this court to make his law againſt* T.K. *plaintif in a plea of debt now eſſoined is by* W.D.

And in like manner the plaintif may be eſſoined if he will; and if the one party be eſſoined at one Court, the other party may be eſſoined at the next Court following.

And you muſt underſtand, that whoſover will caſt any eſſoin in theſe Courts, he muſt come at the beginning of the Court when proclamation is made, or elſe he ought not to be received.

And

And note alſo, that in all theſe caſes following, the party cannot be eſſoined: firſt if he have an Atturney in the ſelf ſame plea preſent in the Court, or if the party himſelf be ſeene in the Court, or if there be no plea, if the party made default at the laſt Court before, then he cannot be eſſoined, or if he come in by *Ccpi corpus*, or diſtreſs, or if he come in the end of the Court, he cannot be eſſoined, as appeareth by the ſtatute of Eſſoines made in the 21. yeere of *E.* 2.

And you muſt alſo underſtand, that for every default that the defendant maketh after this appearance, and day given to anſwer or do his Law, and then make default at any day, he ſhall be called *non-ſuit*, and he and his pledges amercied, and that is where the plaintif is a ſtranger dwelling out of the juriſdiction of the Court, where he finds pledges, if the caſe ſhould paſs againſt him, his pledges muſt then pay the defendants coſt, which is a thing ever reaſonable, but ſeldome or never uſed.

And the Steward of the Court, at the beginning of the Court muſt inquire of the Bailife how he hath ſerved the attachments and diſtreſſes, and other precepts to him directed, and if he ſay that they were ſerved, then call the parties, and if the plaintife have not his declaration ready when the defendant appeareth, he muſt be called *non-ſuit*, thus. *A.B.* come forth and proſecute thy Action againſt *C. D.* or elſe thou wilt be *non-ſuit*: and if he come not forth ſitting the Court, or ſome for him to crave further time to declare, which the Court in diſcretion may grant him, then he ſhall be *non-ſuit* of courſe: and if the defendant make default, proceſſe muſt goe forth againſt him: and in a perſonall Action the proceſſe are ſummons, attachment, and diſtreſſe infinite, which attachments and diſtreſſes muſt be reaſonable, and not outragious, according to the ſtatute of *Marlebridge cap.* 4. And if the defendant

dant make default upon the attachment or diſtreſs, they being ſerved, and ſo returned by the bailif, then the goods ſo taken by attachment or diſtreſs be forfeit to the Lord of the Court, and the defendant ſhal alſo be amerced, and a new *Diſtringas* ſhall go out againſt him. And if the defendant appear and then after make default, he ſhall be condemned by default, and a *nihil dicit* entred againſt him, and the Steward muſt enter both the effect of the declaration for the plaintif, and of the plea or anſwer for the defendant.

And if the parties plead to an iſſue triable by an Inqueſt, proceſs muſt be made to ſummon the Jury, *viz.* a *venire fac'*, and if the defendant be condemned either by default or by verdict, then a *Levare fac'* ſhall be awarded to make levie of his goods, and thereupon the defendants goods ſhall be taken, praiſed, and ſold to ſatisfie the party plaintif, and if the defendant have no goods whereupon levie may be made, then the plaintif is without remedy, except it be by a private cuſtome, which is uſed in ſome places, to take the body, then the body may be taken by a *Capias ad ſatisfac'* and laid in priſon, there to remain untill the plaintif be ſatisfied: but you muſt underſtand that in a county Court, hundred Court, or court Baron, there can be no plea held where the debt or damages amount to ten ſhillings or above.

And it is a maxim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to be tryed by oath, that is, by wager of law by the defendant and not otherwiſe, unleſs it be by aſſent of both parties.

The

The forme of Proceſſe in baſe Courts, which are Courts of Record.

A Summons.

COmmanded it is to the Baily there that ſumm' he make C. D. *that he be here at the next Court to anſwer* A. B. *in a plea of debt, detinne, treſpaſs, or ſuch like.*

An Attachment.

Commanded it is to the Baily there, that he attach C. D. *by his goods and chattels, that he be at the next court, to anſwer* A. B. *of a plea of debt, or ſuch like.*

A Diſtringas.

Commanded it is to the Baily there that he diſtrein E. D. *by his goods and chattels, that he be here at the next Court, to anſwer* A. B. *a plea of debt, &c. witneſs* I. W. *Gent. Seneſc. there.*

Al' diſtring' & plur. diſtring'.

Commanded it is to the baily there as elſe, or many times to thee commanded was that thou diſtrein &c. as above.

A

A Venire fac'.

Commanded is it to the Baily there, that to come he cauſe twelve good and legall men of his bailywick, that they be here at the next Court, to try the iſſue joyned betwixt A. B. *plaintiff, and* C. D. *defendant, of a plea of debt, or ſuch like.*

And if a full Jury do not appear, then as many as make default, and be not eſſoyned, ſhall be amercied, and a *Decem tales* awarded to ſummon ten more, as followeth, and the ſame day given to the firſt Jury.

Decem tales.

Commanded it is to the Baily there, that he to come cauſe ten ſuch good and legall men of his bailiwick, that they be here at the next Court with others, who to them and there may be aſſociated, to try the iſſue joyned betwixt A. B. *Plaintiff, and* C. D. *Defendant, concerning a plea of debt, or ſuch like.*

At which day as many as make default, and be not eſſoyned, ſhall be amercied; and then an *Octo tales* ſhall be awarded; and after that, if need be, a *Sex tales.*

And if there appear a full Jury, then both the parties ſhall have their challenges lawfull to the Jurors; and if the Jury finde for the plaintife, then they muſt give coſt of ſuit and damages: and in the like manner they ſhall aſſeſs damages, if they find for an Advowant in a Replevin, &c.

A levare fac'.

Command the baily there that of the goods and chattels of

of G. D. *to be levied he cauſe* xx. s. *which* A. B. *in this Court recovered againſt him, in a plea of Debt, or ſuch like, and for his miſes and Coſts* 12. d. *So that thoſe monies he have here at the next Court, to render to the foreſaid* A. B. *Witneſs*, &c.

And if the bailife returne that he can find no goods of the ſaid *C. D.* then if the cuſtome ſerve, he may have a *Capias* to take the body and lay him in priſon, untill ſuch time as he hath ſatisfied the party. The forme of which precept is thus:

A Cap' ad ſatisf.

Commanded it is to the baily there that he take C. D. *and him in his priſon ſafely to be kept cauſe, untill he has ſatisfied* A *B. as well of the* x x. s. *for debt which the foreſaid* A. B. *recovered againſt him, as of the* 12. d. *for his miſes and coſts*, &c. *witneſs*, &c.

And if any goods be taken wrongfully, then the party grieved may have a *replevin*, which muſt be made after this manner.

A replevin.

I. W. *Gent' Seneſch. of* R. T. *Kn.* to R. F. *baily of the hundred of* A. *greeting. Becauſe* A. B. *has found me ſufficient ſecurity, as well his clamour to proſecute, as for his beaſts, viz. one oxe which* C. D. *took and unjuſtly deteins as it is ſaid, to be return', if the return' thereof be adjudged, therefore thee I charge and alſo command, that the ox aforeſaid to the aforeſaid* A. B. *without delay replevied to be and delivered thou cauſeſt, and put by ſurety and ſafe pledg the foreſaid* G. D. *that he be at the next court at* A. *aforeſaid to be held, to anſwer the foreſaid* A. B. *a plea of taking and unjuſt*

unjuſt deteining of his oxe aforeſaid, and how this my precept ſhall be executed, to me at the next Court at A. *aforeſaid to be held make known, under perill incumbent, together with this precept given under my ſeal the tenth day of April, the year, &c.*

I.W. gent' Seneſchal there.

And if the Bailif do not deliver the plaintif his cattell by vertue of the ſaid *Replevin*, then the plaintif may have an *Alias replevin* with theſe words, *vel cauſam mihi ſignifices*, which *Replevin* muſt be made after this manner.

Al' replevin.

I.W. *Gentleman Seneſchal of* R. T. *to* R.F. *baily of his Mannor or hund' of* A. *greeting. Becauſe* A. B. *hath found me ſufficient ſecurity, as well his clamour to proſecute, &c. (as in the other replevin) therefore I charge and alſo command thee as elſe thee have I commanded, that the oxe aforeſaid to the ſame* A. B. *without delay to be replevied thou cauſeſt, or the cauſe to me thou ſignifieſt wherefore my mandates to thee therefore directed execute thou wouldeſt not or mighteſt not, and put by ſuerties and ſafe pledg, &c. as before in the other replevin.*

And if the Bailif do not deliver the plaintif his cattell upon this *Replevin*, nor ſhew ſufficient cauſe why he did not, then the party may have a *Pluries replevin, vel cauſam mihi ſignifices*, which muſt be made *verbatim* as the *alias Replevin* was made, onely changing this word *alias* into *Pluries*. And if the bailif return upon any of theſe *Replevins*; *quod averia elongat' ſunt ad loca ſibi ignot', Ita quod averia ill' pref'*. C. D. *deliberar' non potuit*, then the plaintif may have a Withernam, which muſt be made in this manner.

A

A Withernam.

I. W. *Gent' Seneſchal of* R. T. *Knight, to* R. F. *Baily of his Mannor or Hundred of A. greeting. Since that* A. B. *hath found me ſufficient ſecurity as well his clamour to proſecute, as for return to be had of one ox,* &c. *if the return thereof be adjudged, which* E. D. *at* C. *took, and unjuſtly detains, as it is ſaid, and the aforeſaid baily upon divers my precepts for replevie to be made to the ſame baily directed, me hath certified, that the ſame oxe eloygned is to places to him unknown, ſo that view of the ſame have he could not. Therefore thee I charge and alſo command, that thou takeſt in Withernam chattels to the value of the ſaid Ox, of the chattels of the ſaid* C. D. *to be delivered to the foreſaid* A. B. *for the Ox aforeſaid ſo eloigned, and put by ſureties and ſafe pledges the aforeſaid* C. D. as above in the firſt replevin, &c.

Deliverance.

I. W. *Gent' Seneſchal of* R. T. *of the Court of his Mannor or Hundred of* A. *to* R. F. *baily of the Mannor or Hundred aforeſaid; as alſo to* R. B. *and* I. S. *bailies this time onely, greeting. Of the part of the Keepers of the Liberi' of* &c. *you and every of you, joyntly and ſeverally I command, that to be delivered you cauſe, or one of you to be delivered cauſe to* C. D. *his beaſts, which* A. B. *took and unjuſtly detcined againſt ſurety and pledg, as is ſaid. And that you put, or* &c. *the foreſaid* A. B. *that he be here at the next Court to be held, the foreſaid* C. D. *to anſwer concerning the plea aforeſaid, and the anſwer of this precept make known to me, or* &c. *at the next Court. Given,* &c.

Al' Capias in Withernam.

I. W. *Gent' Seneſch' of* R. T. *knight of his Mannor or hundred of* A. *to the baily of the hundred of* A. *as alſo to* A. D. *and* C. B. *my bailies for this time Itinerant, greeting.* *Becauſe* R. E. *baily of the hundred aforeſaid, at the Court of this hundred before me held at* A. *ſuch day and year, &c. to me hath returned that by vertue of my warrant to him many times directed, he came to the pound of* I. D. *to the place where the beaſts aforeſaid impounded and detained were by the ſame* I. D. *and theſe beaſts going and eloigned were before his coming, out of the hundred aforeſaid, to places to him unknown, by the aforeſaid* I. D. *for which the beaſts aforeſaid the baily foreſaid replevie could not; wherefore conſidered it is by the Court, willing the malice of him* I. *to meet with, that the beaſts of the foreſaid* I. *be taken in Withernam to the value, &c. and thoſe to the foreſaid* A. B. *be delivered ſafely and ſurely to be kept, untill to the ſame* A. B. *his beaſts aforeſaid, according to Law, replevie you can, and according to the tenor of my mandate aforeſaid: therefore you and every of you, jointly and ſeverally I command, that ye take, or, &c. the beaſts of the foreſaid* I. D. *to the value, &c. in Withernam, and thoſe to the foreſaid* A. B. *to be delivered you cauſe, or, &c. ſafely and ſurely to be kept untill, &c. and diſtrein ye, or, &c. the aforeſaid* I. D. *ſo that he be at* A. *at the next Court there to be held, to anſwer the foreſaid* A. B. *the plea foreſaid, and the anſwer of this my precept known make ye, &c. at the next Court. Given under the ſeal of my Office ſuch day and year, &c.*

Note that when the ſaid *Replevin* is granted, there muſt be a bond taken of him to whom it is granted, or

or of ſome other for him, to appear at the next Court, and to proſecute his ſuit with effect, or elſe it may be prejudiciall both to the granter of the *Replevin*, and to the executioner thereof: and the form of that bond and condition thereof is this:

An Obligation upon a Replevin.

Know all men by theſe preſents, that I. Anton. D. *of* A. *in the County of* S. *Gent. am held and firmly obliged to* Richard T. Kn', *Lord of the hundred of* A. *in ten pounds of good and lawfull money of England, to be paid to the ſame* R. *or his certain Attorney, his executors or Aſſignes: to which payment well and truly to be made, I bind me, my heirs, executors and adminiſtrators firmly by theſe preſents with my ſeal ſealed. Dated the tenth day of February, the year,* &c.

The Condition thereof.

The Condition of this Obligation is ſuch, That if the above bounden *A. D.* do appear the next Court of the above named *Sir R. T.* to be holden within this Mannor of *A.* in the Countie of South-hampton, and then and there proſecute with effect his ſuit or action againſt *A. B.* for the wrongfull taking and detayning of his cattell, as he hath alleaged, and do make return thereof, if returne thereof ſhall be adjudged in the ſaid Court by courſe of Law, and alſo do ſave and keep harmleſs the ſaid *I. W.* Steward of the ſaid court, and the baliffs in all things touching or concerning the granting or execution of the ſaid *Replevin*, without fraud, covin, or delay, That then this preſent obligation to be void, and of none effect, or elſe the ſame to ſtand, remain, and continue in force, ſtrength, and vertue.

And if it be Ancient Demesne, then they use to acknowledg Fines, and suffer recoveries of their land which they buy and sell within Ancient Demesne, and that is by the Keepers of the Liberty of England by authority of Parliament their Writ of Right Close, issuing out of the *Chancery*, directed to the bailif of the court, and they are entred in the court book after this manner:

Alton Westbrook, the form and manner of a Fine there.

The Court of Richard T. *and* H. *his wife, there held Thursday the tenth day of I. the yeer &c. before* Richard B. *and* I. *sutters of the same Court, according to the custom of the same Mannor, from the time whose contrary in the memory of man is not. To this Court came* I. M. *in his proper person, and brought here into the Court the Writ of the said Keepers of the Libert' of &c. of Right Close, against* I. F. *and* S. *his wife, to the baily of* R. T. *Knight and* H. *his wife, of his Mannor of* Alton Westbrook *directed, and in form of right according to the custome of the Mannor aforesaid, to be executed and determined: of which Writ the tenor followeth in these words:* The Keepers, *&c. and so reciting the whole Writ word by word, &c. Upon which the foresaid* I. M. *according to the custom of the Mannor aforesaid, hath made protestation to prosecute his Writ aforesaid against the foresaid* I. F. *and* S. *his wife, in form and nature of the Writ of the Keep' of the Lib' &c. of covenant at the common Law, a Fine thereupon betwixt them of the tenements aforesaid with the appertinences in the writ aforesaid specif. to make and levie, requiring that* I. F. *and* S. *his wife may keep to him the covenant of the tenements aforesaid, with the appertinences in Alton Westbr. and he found pledg' to prosecute his Writ aforesaid,* viz. I. D. *and* R. R. *Upon which the same* I. F. *and* S. *his wife*

solemnly

ſolemnly exacted are, and appeared; and upon this the ſame I. F. *and* S. *his wife requeſt licence to concord with the foreſaid* I. M. *the plea foreſaid, and they give the Lord for ſuch licence* 3. s. 4. d.

And the concord is ſuch, viz. That I. F. *and* S. *his wife do recognize the tenement aforeſaid with the appertinences to be the right of him* I. M. *as thoſe which the ſame* I. M. *hath of the gift of the foreſaid* I. F. *and* S. *his wife, and thoſe have remiſed and quit-claimed from them and their heirs, to the foreſaid* I. M. *and his heires for ever: And further the ſame* I. F. *and* S. *his wife have granted for them and the heirs of* I. F. *that they do warrant the tenement aforeſaid with the appertinences to the foreſaid* I. M. *and his heirs, againſt the foreſaid* I. F. *and* S. *and the heirs of the foreſaid* I. F. *for ever: And for this recognizance, remiſion, quit-claim, warrant, fine and concord, the ſame* I. M. *hath given the foreſaid* I. F. *and* S. *his wife* xl. *Mark ſterling*, &c.

The ſtile of the Court muſt be ſet down as it is before in the fine, *mutatis mutandis*, and is as occaſion ſhall ſerve. Then thus:

The form of a Recovery there.

TO this Court came R. H. *and* T. S. *in their proper perſons, and they brought here in the Court the Writ of the Keepers of the Liberty of Right Cloſe againſt* I. M. *to the Baily of* R. T. *Knight, and* H. *his wife, of their Mannor of* Alton Weſtbrook *directed, in form of right, according to the cuſtome of the Mannor aforeſaid, to be executed and determined, of which Writ the tenor followeth in theſe words: The Keepers,* &c. *and ſo reciting the Writ word by word (as above in the Fine.) Upon which the foreſaid* R. H. *and* T. S. *according to the cuſtom of the Manor aforeſaid,*

made proteſtation to proſecute this writ aforeſaid againſt I. M. *in form and nature of the Writ of the Keepers of the Liberties*, &c. *of right at the common law, and they found pledg' to proſecute their Writ aforeſaid, viz.* I. Doo. R. Roo. *and they require proceſſe for them to be made againſt the aforeſaid* I. M. *according to the cuſtome of the Manor aforeſaid, and the foreſaid* I. M. *ſolemnly exacted, appeared, and came here into the Court in his proper perſon: whereupon the ſame* R. H. *and* T. S. *demand againſt the foreſaid* I. M. *the tenements aforeſaid with the appertinences as their right and inheritance, and into which the ſame* I. M. *had not entrance, but after the diſſeiſin which* H. H. *unjuſtly and without judgement made to the foreſaid* R. H. *and* T. S. *within thirty years, &c. and whence they ſay that themſelves were ſeiſed of the tenements aforeſaid with the appertinences in their Demeſne as of fee and right, in the time of peace, taking thereof the explees to the value, &c. and into which, &c. And thereof they produce their ſuit*, &c.

And the foreſaid I. M. *in his own perſon came, and defends his right, when*, &c. *and vouches thereupon to warrant* I. F. *who preſent is here in Court in his proper perſon, and freely the tenements aforeſaid to him warrants*, &c. *And upon this the ſame* R. H. *and* T. S. *demand againſt him* I. F. *by his warrant, the tenements aforeſaid, with the appertinences in form aforeſaid*, &c. *and whence they ſay that themſelves were ſeiſed of the tenements aforeſaid in their Demeſne, as of fee and right in the time of peace, taking thereof the explees to the value* &c. *into which* &c. *and thereof they produce their ſuit. And the aforeſaid* I. F. *tenant by warranty defends his right, when* &c. *and vouches thereupon to warranty* I. P. *who in like manner preſent is here in Court in his proper perſon, and freely the tenements aforeſaid to him warrants: and upon this the ſame* R. H. *and* T. S. *demand the tenements aforeſaid with the appertinences, in form aforeſaid, and whence*

they

they ſay that themſelves were ſeiſed of the tenements aforeſaid, with the appertinences in their demeſne as of fee and right, in the time of peace, &c. taking thereof the expleſs to the value &c.

And the foreſaid I. P. *tenant by his warranty defends his right, when, &c. and puts himſelf upon the great aſſiſe of the Keep' of the lib. &c. and prays recogniſ' to be made whether he more right hath to hold the tenements aforeſaid, with the appertinences as tenent thereof by his warranty as he holds, or the foreſaid* R. H. *and* T. S. *to have the ſame tenements with the appertinences as they above demand, &c. and the foreſaid* R. H. *and* T. S. *pray licence thereupon to imparle, and they have it, &c.*

And after the ſame R. H. *and* T. S. *came again here in to the Court, viz. this ſame day in their proper perſons, and the foreſaid* I. P. *although ſolemnly exacted, came not again, but in contempt of the Court receded and default hath made, therefore conſidered it is by the Court that the foreſaid* R. H. *and* T. S. *recover their ſeiſin againſt the foreſaid.* I. M. *of the tenements aforeſaid with the appertinences, to hold to the ſame* R. H. *and* T. S. *and their heirs quit of the foreſaid* I. M. *and their heirs, as alſo of the foreſaid* I. F. *and his heirs, and alſo of the foreſaid* I. P. *and his heirs for ever; and that the ſame* I. M. *have of the land of the foreſaid* I. F. *to the value, and that the ſame* I. F. *have of the land of the foreſaid* I. P. *to the value, and the ſame* I. P. *is amerced, &c.*

Ex' by I. W.
Seneſchal there.

Now here doe follow divers and ſundry formes of declarations and pleadings incident and belonging to this Court, as followeth.

A declaration for a debt upon ſpecialty.

WIll. *S. ſumm' was to anſwer* E. F. *a plea that he render to him* 39. s. *which he to him oweth, and unjuſtly deteineth, &c. and whence the ſame* E. *by* I. B. *his Atturny ſayes, that whereas the aforeſaid the fifth day of March, the year, &c. at* A. *within the juriſdiction of this Court by a certain his writing obligatory had yeelded himſelfe to be bound to the ſame* E. *in the foreſaid* 39. s. *to be paid to the ſame* E. *when therefore required he ſhould be, the foreſaid* W. *notwithſtanding though often required, the foreſaid* 39. s. *to the ſame* E. *as yet hath not rendred, but thoſe to him hitherto to render refuſed, and yet refuſes, whence he ſayes he is the worſe, and dammage hath to the value of* xx. s. *and thereof produces his ſuit, &c. and bringeth forth here in the Court the writing aforeſaid, which the debt aforeſaid in form aforeſaid, witneſſes, whoſe date is the day and year aboveſaid, &c.*

Pledg'of proſecution { J. Doo. R. Roo.

Barre in debt.

By ready to pay, and offers.

AND *the foreſaid defendant came, and defends the force and wrong when, &c. and ſayes that he at all times from the foreſaid fifth day of March the year aboveſaid, hitherto, ready*

ready hath been and yet is to pay to the foreſaid plaint' the foreſaid 39. s. *and thoſe here in the Court proffereth ready to pay, upon which the ſame plaint' thoſe* 39. s. *here in the Court received, therefore the foreſaid defendant is thereof quit, &c.*

A declaration upon a bill oblig'.

I. H. *ſumm' was to anſwer* I. H. *a plea that he render him* 30. s. *which to him he oweth, and unjuſtly deteineth,&c. and whence the ſame* I. H. *by* I. *B. his Atturny ſaith, that whereas the foreſaid* I. H. *the fifteenth day of Octob. the year, &c. here at* A. *within the juriſdiction of this Court, by a certain his bill obligatory which the ſame* J. Hammon *with the ſeal of him* J. Holt *ſealed, here in the Court bringeth forth, whoſe date is the ſame day and year, acknowledged himſelf to owe to the ſame* J. Ham. xv. s. *to be paid to the ſame* J. Ham. *his executors,adminiſtrators or aſſignes, in or upon the feaſt of Pentecoſt then next following the date of the bill aforeſaid, and to the ſame payment well and faithfully to be made, the ſame* J. Holt *had obliged himſelf, his heirs,executors and adminiſtrators to the ſame* J. Ham. *in the foreſ.* xxx.s *which he acknowledged by his bill aforeſaid to ſatisfie, for not payment of the foreſaid* xv. s. *and the ſame* J. Ham. *in fact ſaith, that the foreſaid* J. Holt *hath not paid the ſame* J. Ham. *the* xv. s. *nor any penny thereof, according to the form and effect of the bill aforeſaid, by which action accrues to the ſame* J. Ham. *to have an exact of the foreſaid* J. Holt *the foreſaid* xxx. s. *aforeſaid, yet the foreſaid* J. Holt *though oftentimes required the ſame* xxx. s. *to the ſame* J. Ham. *as yet has not rendred, but thoſe to him hitherto to render refuſed and yet refuſes. Wherefore he ſaith that he the worſe is, and dammage hath to the value of* x. s. *and thereof produces his ſuit, &c.*

Barr

Barre by within age.

AND the foresaid I. Holt by I. F. his Atturney came, and defends the force and wrong, when, &c. and saith that he with the debt aforesaid by vertue of the bill aforesaid charged ought not to be, because he saith, that at the time of the making the bill aforesaid he was within the age of 21. years, and this ready is he to verifie; whence he prayes judgment, whether the foresaid I. Hammon his action aforesaid by vertue of the bill aforesaid in form aforesaid made against him to have ought.

Replicat' and Rejoinder.

AND the foresaid. I. Hammon sayth, that he by any matters præalledged, from his action aforesaid having præcluded ought not to be, because he saith, that the foresaid I. Holt at the time of the making the bill aforesaid was of full age of 21. yeares, and not within age, and this he prayes may be inquired by the Country, and the foresaid I. H. likewise; therefore the twelve, &c.

Debt upon reteiner for wages.

A. B. &c. summ' was to answer C. D. a plea that he render to him 39. s. which he oweth to him, and unjustly detaineth, and whence the same C. by D. W. his Atturny saith, that whereas the foresaid A. the x. day of March, the year, &c. at S. within the Jurisdiction of this Court had reteined him C. to serve the same A. from the same day for one whole year next following in the office of one Valet, the commands and businesses of him A. whatsoever lawfull and honest according to his power and knowledg to the doing, sollicitting and executing, taking of the same A. for his salary for that time 39. s. and the same C. the foresaid A. in the office

office aforesaid, for the time aforesaid well and faithfully had served, all his commands and businesses lawfull and honest according to his power and knowledge, during that time, well and faithfully had done, sollicited and executed, and the foresaid 39. s. *to the same* C. *for his salary foresaid, by the time aforesaid behind, were not pay'd; wherefore action accrued to the same* C. *to exact the same, and to have of the aforesaid* A. *the same* 39. s. *the foresaid* A. *notwithstanding that he often required, the foresaid* 39. s. *to the same* C. *hath not rendred, but those to him hitherto to render hath refused, and yet refuses; wherefore he saith that he the worse is, and damage hath to the value, &c. and thereof produces his suit.*

Barre by nothing him he owes.

And the foresaid A. B. *by* I. W. *his Atturny came, and defendeth the force and wrong, when &c. and saith that he oweth not the foresaid* C. D. *the foresaid* 39. s. *nor any penny thence in the form which the same* C. *above against him warranteth: And this he prayes may be inquired by the country, and the foresaid* C. *likewise. Therefore the* 12. *&c.*

A confession in debt.

And the foresaid A. *by* I. W. *his Atturney came, &c. and saith he cannot deny the action aforesaid of* C. *aforesaid, nor but that he oweth the aforesaid* C. *the aforesaid* 39. s. *as the aforesaid* C. *above against him hath declared: therefore granted is it, that the foresaid* C. *may recover against the aforesaid* A. *his debt aforesaid and his dammages by occasion of the detaining that debt to* 40. s. *to the same* C. *of his assent by the Court here are adjudged, and the foresaid* A. *is amerced, &c.*

Debt

Debt upon he borrowed.

A. B. *attached is to answer* E. F. *a plea that he render him* 30. s. *which to him he oweth and unjustly deteineth, and whence the same* E. F. *by* I. W. *his atturney saith, that the same foresaid* A. B. *the* 10. *day of* F. *the year, &c. At &c within the Jurisdiction of this court borrowed of the same* E. F. 30. s. *to be paid to the same* E. F. *when therefore required he was* 3 *notwithstanding the foresaid* A. B. *though often required the foresaid* 30. s. *to the same* E. F. *as yet hath not rendred, but those to him hitherto to render refused, and as yet refuses, wherefore he saith that the worse he is, and damage hath to the val' of* x. s. *and thereof produces his suit, &c.*

Imparlance.

And the foresaid A. *by* S. T. *his Atturny comes and defendeth the force and armes, when &c. and prayes licence thereupon to imparle here until the next Court, and hath it, &c. The same day is given to the foresaid* C. *here, &c.*

By threats.

And the foresaid W. *by* N. E. *his atturny comes and defendeth the force and wrong, when, &c. and he saith, that he to the debt aforesaid by vertue of the writing charged ought not to be, because he saith that the foresaid* R. *the time of the making the writing aforesaid, to the same* W. *such and so great menaces of his life and mutilation of his members upon him to be brought, unless he the writing aforesaid to the foresaid* R. *make and seal would at* A. *within the jurisdiction of this Court, imposed, that the same* W. *that writing for fear of those menaces to the foresaid* R. *then and there made, and this ready is he to verifie,*

whence

whence he prayeth judgment, whether the foresaid R. *his action aforesaid, by vertue of the writing aforesaid against him to have ought, &c.*

Replication, &c.

And the foresaid R. *saith, that he by any matters praalledged from his action aforesaid having præcluded ought not to be, because he saith that the foresaid* W. *the time of the making the writing aforesaid, was in his own power at large, and that writing of his meer and freewil to the foresaid* R. *made, and not out of fear of menaces as the foresaid* R. *in his plea hath alledged, and this he prayes inquired may be by the Country, and the foresaid* W. *likewise: Therefore the* 12.

Barre by protestation.

And the foresaid A. B. *by* T. C. *his attorny comes and defendeth the force and wrong, when, &c. and he saith that the foresaid* R. S. *his action aforesaid thence against him have or maintain ought, because he protests that no such collocution betwixt the foresaid* A. *and* R. *had there was, that the same* A. *should deliver the foresaid* R. *the foresaid two pieces, &c. in part of satisfaction of the foresaid* 39. s. *in the declaration aforesaid specif. protesting also that the foresaid* A. *brought not with him the foresaid* C. *in this declaration aforesaid also specif. the two pieces, &c. to carry away, to deceive and defraud the foresaid* R. *of the foresaid two pieces, as in the declar. aforesaid above is supposed, protesting also that the foresaid* A. *giving beleef to the assumption of the foresaid* R. *delivered not to the foresaid* C. *the foresaid two pieces &c. by limitation and assumption of the said* A. *as in the declar. aforesaid also supposed is, protesting also that a certain collocution had was betwixt the foresaid* A. *and* R. *that the foresaid* R. *should deliver upon lone to the foresaid* A. 29. s.

in

in moneys numerate, under a certain condition, and upon which agree they could not; therefore the foresaid discourse void and of no vigor was, and for plea the same A. saith that he promised not, nor upon him assumed in manner and form, as the foresaid R. above against him plaineth, and this he prayes may be inquired by the country, And the foresaid R. likewise. Therefore 12. &c.

Barre by concord.

And the foresaid A. by I.W. his Atturny came, and defendeth the force and wrong, when, &c. and saith that the foresaid C. his action aforesaid therefore against him have or maintein ought not, because protesting that he acknowledges not any of the things in the declaration aforesaid to be true, for plea yet he saith, that after the assumption and promise aforesaid made, viz. the 10. day of May, the year, &c. at &c. between the same A. and the foresaid R. as well of the assumption and promise aforesaid as of all other trespasses and offences betwixt the same A. and the foresaid R. before the same 10. day of May had, were moved and done or hanging, by mediation of friends betwixt them amicably intervening was had such concord, viz. that the same A. in ful satisfaction and release as well of the assumpsit whence the foresaid R. above him now plaines, as of all other trespasses and offences by the same A. before that time to the foresaid R. done, should give to the same R. two cowes, and that the same A. from that time against the foresaid R. as well of the assumpsit and promise aforesaid, as of all other trespasses and offences should be quit for ever, and the same A saith, that he then and there gave and delivered to the foresaid R. two cows, and the same R. these two cows of the same A. then and there received, according to the form and effect of the concord aforesaid, and this ready is he to verify, &c.

No

No such concord.

Præcluded not: because he saith there was not had any such concord betwixt him R. *and the foresaid* A. *in manner and form which the same* A. *in barr pleading alledged hath, and this he prayes may be inquired by the country, and the foresaid* A. *likewise, &c. therefore* 12. *&c.*

Count upon delivery by anothers hands.

T. G. *summ' was to answer* N. P. *a plea that he render him* 30. s. *which to him he oweth and unjustly detcins, &c. and whence the same* N. *by* R. L. *his Atturney saith, that whereas a certain* P. R. *the last day of I. the year, &c. at* B. *within the jurisdiction of this Court had delivered to the foresaid* T. G. *the foresaid* 30. s. *to be payed and delivered to the same* N. *whensoever by the foresaid* N. *he should be required, yet the foresaid* T. G. *although often times required, the same* 30. s. *to the same* N. *as yet hath not rendred, but those to him hitherto to render refused and as yet refuses; wherefore he saith, that he the worse is, and damage hath to the value of* x. s. *and thereof produces his suit, &c.*

Nothing him he owes by Law.

And the foresaid T. *by* B. C. *his Atturny came, and defends the force and wrong, when, &c. and saith, that he oweth not the foresaid* N. *the foresaid* 30. s. *nor any penny thereof in the form which the same* N. *above against him declared hath, and this ready he is to defend against him and his suit by the Law of him* T. *as the court here shall grant thereof to be made, &c. whence he prayes judgment whether the foresaid* N. *his action aforesaid against him to maintain ought, &c.*

Demurrer

Demurrer thereupon.

And the foresaid N. *saith, that the foresaid defence of the foresaid* T. *by his Law to be made pretended, is not a sufficient issue, nor admitable him* T. *against the foresaid matter in the Declaration of him* N. *conceived, from his action aforesaid having to preclude; wherefore he prayes judgment, and his debt aforesaid, together with his damages &c. for defect of sufficient answer and issue, to him to be adjudged.*

And the aforesaid T. *since that the foresaid answer and said defence by his Law to be made in form aforesaid, sufficient answer and issue admitable are in law, the foresaid* N. *from is action aforesaid to præclude, and the foresaid* N. *the law of him* T. *in this part to be made, to admit altogether refuses, he prayes judgement, and that the foresaid* N. *from his action aforesaid having præcluded, may be, &c.*

Debt brought by exec' against exec' upon spec'.

A. T. *exec' of the test' of* T. B *sum' was to answer* E. W. *exec' of the test' of* S. A. *a plea, that he together with* C. *co-exec' of the aforesaid* T. *of the test' of the forest'* T. *render to him* 38. s. *which from him unjustly he deteineth, &c. and whence the same* E. *by* I. W. *his Attorney saith, that whereas the aforesaid* T. B. *the twentieth day of August, the year, &c. at* P. *within the jurisdiction of this Court, by a certain his writing obligatory yeelded himself to be bound to the same* S. *in the foresaid* 38. s. *to be paid to the same* S. *in the Feast &c. the foresaid* T. *notwithstanding in his life time, nor the foresaid execut' of his test' after the death of the same* T. *though oftentimes required the foresaid* 38. s. *to the foresaid* S. *in his life time, nor to the same exec' after the death of the same* S. *rendred have not, but those to him*

to render refuſed, and yet refuſes, and thoſe from him unjuſtly deteineth: wherefore he ſaith that he the worſe is, and dammages hath to the value of x. s. *and thereof he produces his ſuit, &c. And he brings forth here in Court as well the writing aforeſaid as the teſtament, by which it is apparent enough, that he* E. *is executor of the teſtam' of the foreſaid* S.

Debt brought by Adminiſtrators.

W. W. *ſummoned was to anſwer* I. A. *Adminiſtratrix of all and ſingular the goods and chattels of* L. A. *who dyed inteſtate, as ſaid is, a plea that he render her* 39. s. *which from her unjuſtly he deteins, &c. and whence the ſame* I. *by* I. W. *her Attorney ſaith, that whereas the ſaid* W. *ſuch day and yeer &c. at* S. *within the juriſdiction of this Court, by a certain his bill obligatory, which the ſame* I. *with the ſeal of* W. *ſigned here in Court brings forth, whoſe date is the ſame day and yeer, acknowledged himſelf to owe to the foreſaid* L. *the foreſaid* 39. s. *in his life time to be paid to the ſame* L. *at ſuch a feaſt next, &c. and to that payment well and faithfully to be made, the foreſaid* W. *hath obliged himſelf, his heirs and executors by the ſame bill, yet the foreſaid* W. *though often required, the* 39. s. *to the foreſaid* L. *in his life time, or to the ſame* I. *after the death of the ſame* L. *to whom the adminiſtration of all the goods and chattels of the foreſaid* L. *at the time of his death, by* W. L. *of the Lawes Doctor, of the Court Prerogative of* Canterbury *Maſter, the twentieth day of* May, *the yeer of our Lord One thouſand ſix hundred and ſixteen, at* L. *aforeſaid, after the death of the foreſaid* L. *committed was, hath not rendred, but thoſe to her to render refuſed, and thoſe to the ſame* I. *to render refuſes, and unjuſtly deteineth; wherefore ſhe ſaith that ſhe the worſe is, and dammage hath to the value of twenty ſhillings, and thereof ſhe produces her ſuit, &c. And ſhe brings forth*

here in Court the letters of adminiſtration of the foreſaid W. C. by which, &c.

Non ſum informatus. Not informed.

And the foreſaid W. by N. E. his Atturny came, and, defendeth the force and wrong, when, &c. and ſaid it was to the ſame Atturny of the ſame W. that for the ſame W. his Maſter, to the foreſaid I. in the plea foreſaid, he ſhould anſwer; and the ſame Atturny ſaith, he is not informed by the ſame W. his Maſter of any anſwer for the ſame W. to the foreſaid I. in the plea foreſaid to be given, and no other thing thence ſaith, by which the foreſaid I. remains againſt the foreſaid W. thence undefended. Therefore granted is it that the foreſaid I. recover againſt the foreſaid W. his debt aforeſaid, and damages by occaſion of the detaining that debt to 56. s. to the ſame I. by her aſſent, by the Court here adjudged are, and the foreſaid W. is amerced, &c.

Plenè adminiſtravit. Fully adminiſted.

And the foreſaid A. by T. B. his Atturny came, and defendeth the force and wrong, when &c. and ſaith that the foreſaid plaintif his action aforeſaid, againſt her to have ought not, becauſe ſhe ſaith, that ſhe fully adminiſtred hath of the goods and chattels of the foreſaid I. at the time of his death, and that ſhe no other goods hath, nor chattels of the ſaid I. at the time of his death in her hands, adminiſtred to be, nor had the day of the entry of this plea of the plaintif, nor at any time after, and this ready is ſhe to verifie; wherfore ſhe prayes judgement whether the foreſaid plaint' the action aforeſaid againſt her to have ought, &c.

Replication

Replication, and Rejoynder.

And the foreſaid plaint' ſaith, that he by any things prealledged from his action aforeſaid having, præcluded ought not to be, becauſe he ſaith, that the foreſaid defend' the day of the entry of the plea of the foreſaid plaint', viz. ſuch day and year, &c. had divers goods and chattels of the foreſaid, I. at the time of his death in her hands adminiſtred to be, to the value of the debt aforeſaid, whereof the ſame plaint of that debt have ſatisfied ſhe might, viz. at A. within the juriſdiction of this Court, and this he prayes may be inquired by the Country, and the foreſaid defend' likewiſe: therefore 12. &c.

A Speciall not his Deed.

And the foreſaid defend. by G. P. his Atturny came, and defendeth the force and injury, when &c. and ſaith, that he with the debt aforeſaid, by vertue of the bill aforeſaid, charged ought not to be, becauſe he ſaith, that after the ſame defend. ſealed and delivered had the bill aforeſaid to the foreſaid plaint', that bill a new written and interlined was in theſe words, viz. Th' Curwen, *by which that bill ſo anew written and interlined, its force loſt and effect, and ſo that bill aforeſaid is not his deed, and of this he puts himſelf upon the Country, and the foreſaid plaint' likewiſe, &c. Therefore 12. &c.*

Nihil dicit in debito. Nothing he ſaith.

And the foreſaid defend' by A. B. his Atturny came, and defendeth the force and wrong, when &c. and nothing ſaith in barr of the action aforeſaid, of the plaint' aforeſaid, by which the plaint remains againſt the ſame defend' therefore undefended. Therefore granted it is that the

foresaid plaint' recover against the foresd. defendant his debt aforesaid and dammages by occasion of the deteining this debt to x.s. *to the same plaint' by his assent by the Court here adjudged, and the foresd. def. is amerced, &c.*

Action on the case upon indebted he assumed

G.D. *by* R.M. *his Atturny plaineth against* R.D. *a plea of trepasse upon the case, for that that whereas the foresd. def. the day and year, &c. at, &c. indebted was to the foresd. pl' in* xi.s. *lawful mony of England for one jerkin by him the pl' to the def' aforesd. before sold and delivered, and so indebted being after viz. the* 1 *day of* I. *the year, &c. at* S. *within the jurisdiction of this Court, the foresd. def' in consideration thereof upon him assumed, and to the same plaintif then and there faithfully promised to pay to the same plaintif the foresaid* xi. s. *yet the foresaid defendant his promise and assumption aforesaid not regarding, but contriving him the plaintif of his foresaid* xi.s. *craftily to deceive and defraud, the foresaid* xi.s. *to the same plaintif as yet hath not paid, although to the same plaintif to pay them after viz. the same day, year and p'lace within the jurisdiction of this Court, by the same plaintif required he was, to the dammage of him the plaintif* x. s. *and thereof he produces his suit, &c.*

Pledg' of prosecution { J. Doo. R. Roo.

Otherwise indebted he assumed.

I.C. *attached is to answer* I.W. *plea of trespass upon the case, and whence* I.W. *by* I.S. *his Atturny saith, that whereas the foresaid* I. C. *the first day of Oct. the year, &c. here at* S. *within the jurisdiction of this Court indebted was to the foresaid* I.W. *in the summ of* 38.s. *of lawfull mony of England*

England for arreres of rent of one meſſuage and one acre of land, and for diverſe ſummes of pence upon borrowing delivered, and alſo for diverſe other things to the ſame I. *by the foreſaid* I. *before that time due and payable, and ſo indebted being, the ſame* I. C. *in conſideration thereof upon him aſſumed, that he the ſame* I. C. *the foreſ.* 38 *s. to the ſame* I. W. *when therefore required he ſhould be, well and faithfully to pay and content would, yet the foreſaid* I. C. *his promiſe and aſſump' not regarding, but contriving and fraudulently intending the ſame* I. W. *in this part craftily and naughtily to deceive and defraud of the foreſ.* 38. *s. the ſame* I. *according to his promiſe and aſſump' aforeſaid, though to this after viz. the* 10. *day of Octo. the year &c. above ſaid, at S. aforeſ. by the ſame* I. *required he was, he paid not, but thoſe to him altogether as yet to pay hath refuſed and yet refuſes, wherefore he ſaith he the worſe is, and dammage hath to the value of* x. *s. and thereof produces his ſuit, &c.*

Not aſſumed.

And the foreſ. I. *by* I. W. *his Atturny came and defendeth the force and injury, when &c. and ſaith, that he aſſumed not to the ſame plaint' in manner and form as the foreſaid plaintif againſt him plaineth; and of this he puts himſelfe upon the Country, and the foreſaid plaintif likewiſe: therefore* 12. *&c.*

Action upon the caſe upon together they accounted.

R. *S. plaineth of* N. W. *a plea of treſpaſs upon the caſe, for that viz. that whereas certain* H. V V. *and* R. H. *the* 2. *day of* I. *the year, &c. at* A. *within the juriſdiction of this Court together accounted with the ſame* R. *of diverſe ſummes of pence, before that time for arreres of rent, and other things to the ſame* R. *by the ſame* H. *and* R. *due and to be paid, and upon that account, the ſame* H. *and* R. *found were*

in arreres to the foresaid R. *in the summ of* 36. s. *of lawfull mony of England, to be paid to the same* R. *when therefore required they should be, and whereas the foresaid* W. *then and there likewise the same* 2 *day of* I. *the year above said, at* A. *aforesaid instantly required the foresaid* R. *that the same* R. *would acquit and exonerate the foresaid* H. *and* R. *of the foresaid* 36 s. *and the foresaid* N. *in consideration thereof upon him assumed, and to the same* R. *then and there faithfully promised, that he the same* N. *the foresaid* 36 s. *to the same* R. *when therefore required he should be, well and faithfully pay and content would, and the same* R. *in fact saith, that he beleefe having to the promise and assumpsit of him* N. *aforesaid then and there acquitted and exonerated the foresaid* H. *and* R. *of the foresaid* 36 s. *yet the foresaid* N. *his promise and assumpsit so little regarding, and fraudulently intending the same* R. *in this part craftily and naughtily to deceive and defraud the* 36 s. *to the same* R. *though to this at* A. *aforesaid within the jurisdiction aforesaid, after viz the last day of* I. *the year above said, by the foresaid* R. *required he was, he paid not, nor in any manner for the same contented, by which the same* R. *saith, that he the whole gain, commodity and profit which he with the foresaid* 36 s. *by buying and selling and lawfully bargaining have had and gain might, if the foresaid* N. *his promise and assumpsit aforesaid so in form aforesaid made, had held and performed, wholly lost and missed hath: wherefore the same* R. *saith that he the worse is, and dammage hath to the value of* xx. s. *and thereof he produceth his suit, &c.*

Action upon the case upon indebted he assumes.

T. E. *plaineth against* B. B *a plea of trespas upon the case, for that viz. that whereas the foresaid* B. *the first day of* I. *the year &c. at* A *within the jurisdiction of this Court, in consideration that he foresaid* T. *at the speciall instance and request of him* B. *then and there upon lone gave and lent to the same* B. 30. s. *of good and lawfull mony of England, upon him he af-*

assumed, and to the same T. *then and there faithfully promised, that he the same* B. 30.s. *of good and lawfull mony of England to the same* T. *when therefore required he should be well and truly pay and content would; yet the foresaid* B. *his promise and assump' aforesaid. litle regarding. but contriving the fores.* T. *of the fores.* 30.s. *craftily and subtilly to deceive and defraud the fores.* 30.s. *to the foresaid* T. *though by the same* T. *after viz. the first day of Oct. the year, &c. abovesaid at* A. *aforesaid required was, according to his promise and assumpt' aforesaid as yet has not paid, nor in any manner contented, by which the fores.* T. *in his credit toward diverse of the people of &c. and especially toward* I. M. *to whom the same* T. *in the like summ of* 30.s. *indebted was, and to whom the same* T. *the same* 30.s. *at the right day now long since past, upon hope and beleef of the true performance of the promise and assumption aforesaid, to pay and content had promised, manifoldly hurt and the worse is, and dammage hath to the value of* xx.s. *and thereof produces his suit, &c.*

Plaint upon replevin.

William L. *summ' was to answer* W. B. *a plea of taking and unjust deteining of his beasts, and whence the same* W.B. *by* R. D *his Atturny plaineth that the fores.* W.L. *the fifth day of December, the year, &c. at* Q. *in a certain place there called Bushy close of his* W. B. *within the jurisdict' of this Court, took his beasts, viz. one Cow of his* W.B. *and that unjustly deteined against suert' and pleg' untill &c. wherefore he saith that he the worse is, and damages hath to the value of* 39. s. *and thereof produces his suit, &c.*

Avowry for damage doing in his franktenem'.

And the ſaid VV. *in his proper perſon came, and defendeth the force and wrong, when* &c. *and well avows the taking of the beaſts aforeſaid in the foreſaid place in which* &c. *and juſtly* &c. *becauſe he ſaith that the foreſaid place in which ſuppoſed is the taking of the beaſts aforeſaid to be, is, and the aforeſaid time of the taking aforeſaid ſuppoſed to be, was the ſoyl and franktenement of him* W. *and that the cow aforeſaid was at that time in the ſame place, the herb then and there growing eating up, and damage doing, by which the ſame* W. *that cow then and there ſo damage doing, took and impounded, as well he might, and this ready he is to verifie: wherefore he prayes judgment, and the return of the beaſts aforeſaid to him to be adjudged,* &c.

Avowry otherwiſe one in his own right, and otherwiſe as a ſervant by his command.

And the foreſaid R. B. *and* T B. *by their Atturny came and defend' their force and wrong, when,* &c. *and ſay, that the foreſ'* R. B. *is, and at the time of the taking of the beaſts aforeſ. to be ſuppoſed, was ſeiſed of a certain cloſe called the Coniger, in the foreſ. Town of* E. *within the juriſdiction of this Court, in his demeſne as of fee, a certain mare the aforeſ. time in which* &c. *was in this cloſe called the Coniger, his herb there eating up, and damage doing, by which the ſame* R. B *in his own right, and the aforeſ.* T. B. *by his command, took that mare, and her impounded, as well they might, without that, that they took the mare aforeſaid in that aforeſaid place called the Common Mead, as the aforeſaid* W. T. *againſt them plaineth; and this ready they are to verifie. Wherefore they pray judgment, and return of the beaſts aforeſaid to be to them adjudged,* &c.

Avowry

Avowry for amercement in the Leet.

And the foreſaid L. P. *by* T. R. *his Attorny came, and defends the force and injury, when &c. and as baily of* T. H. *Eſq' well acknowledges the taking of the heifer aforeſaid in the aforeſaid place in which &c. and juſtly &c. Becauſe he ſaith, that the ſame place in which ſuppoſed is the taking of the heifer aforeſaid to be conteineth, and the foreſaid time in which ſuppoſed is the taking of the heifer aforeſ. to be conteined 12 acres of land called Reke fields in W. aforeſ. within the precinct of the Court of view of frankpledg of the ſaid* T. H. *within the Manor of* M. *to be held in the County of South' aforeſ. of which Manor with the appertinen' before the foreſaid time in which, &c. and the ſame time in which &c. the foreſaid* T. H. *was ſeiſed in his demeſne as of fee, within which Mannor the ſame* Thomas *and all thoſe whoſe eſtate the ſame* Thomas *now hath, and the foreſaid time in which, &c. had in the Mannor aforeſ. with the appertin. from the time the contrary of which in the memory of men is not; have had, and to have, hold and keep have uſed a court of view of frankpledg twice by the year, viz. once within a month next after the feaſt of Eaſter, and again within a month next after the feaſt of Saint Mich. the Archangel at that Mannor, before the Seneſchal of that Mannor for the time being, and all the inhabitants and reſidents within that Mannor at the Court of view of frankpledg of the Manor aforeſaid accuſtomed were to appear, and there charged to be and ſworn of and upon all articles which at the court of view of frankpledge aforeſaid belong to be inquired of, and that the foreſaid* T. *and all thoſe whoſe eſtate the ſame* T. *in the Mannor aforeſaid with the pertinen' now hath, and the foreſaid time in which, &c. have had, and from the whole time aforeſaid have uſed to diſtrein for penalties & amercements in the ſame Court of view of frankpledg impoſed, and the ſame* L. *ſaith, that before the foreſaid time in*

which

which, &c. viz. at a certain court of view of frankpleg' held at the Mannor aforesaid within the month next after the feast of Saint Mich. the Archangel viz. the 30. day of Sept. the year, &c. before W. Y. *Gent. the Seneschal of the Court of view of frankpledg' of his Mannor aforesaid. by certain* John N. *&c. (reciting all the jurors by their names,) in the same Court of view of frankpledge, of those things which to the Court of view of frankpledg' aforesaid belong, charged & sworn to inquire upon their oath presented was it, that the foresaid* W. T. *resident and inhabitant within the precinct of the Court of view of frankpledg' aforesaid. then was, and that diverse hedges of the same* W. *within the precinct of the Mannor aforesaid. open lay, to the hurt of diverse inhabitants within the Mannor aforesaid. for which then and there commanded was it to the same* W. T. *sufficient to make his hedges, viz. at the home breach against the way publ. and his hedges against the lane called Morse lane, &c. before the 15. day of Octo. then next to come, under the penalty of 20. s. before which day the same* W. *his hedges aforesaid. made not, according to the precept of the jurors aforesaid. by which the foresaid penalty of the foresaid* xx. s. *by the foresaid* W. T. *forfeited were; and because the foresaid* xx. s. *for the penalty foresaid. the foresaid time in which, &c. to the foresaid* T. H. *arrere were unpaid, the same* L. *as baily of the foresaid.* T. *for the same* xx. s. *for the penalty foresaid. arrer being unpaid, well acknowledges the taking of the heyfer aforesaid. in the foresaid place in which, &c. and justly, &c. within the precinct of the view of frankpledg' aforesaid, &c.*

Barre when beasts enter for default of Inclosure, and the avowant ought to make it.

And the foresaid T. *saith, that the foresaid* E. *the taking of the beasts aforesaid. by the reason prealledged justly to avow ought not, because he saith that the time of the taking aforesaid. done, a certain* W. C. *was seised of a certain close called* R. *in* M. *in the County foresaid, in the foresaid place called* G. *contiguously*

guously lying in his demesne as of fee, and the same W. *so thereof seised, before the same time in which, &c. at* A. *that close demised to the same* T. *to have to him at will of the said* W. *by which pretext the same* T. *the time of the taking aforesaid done, of that close was possessed, and the fores.* E. *the same time was seised of the foresaid close called* G. *in his demesne as of fee, and the same* E. *and all those whose estate then he had in that place, have made and repaired, and used were to make and repair, as often as need should be, a certain hedge or closure the same place called* G. *from the foresaid close called* M. *altogether separating and fenceing, from the time the contrary of which in the memory of men is not, and the same* T. *saith, that he of the foresaid close called* M. *by vertue of the demise aforesaid possessed, before the foresaid time in which &c. put his beasts aforesaid into that close to feed there, and because the hedges of the foresaid* E. *the time of the taking aforesaid done, and before for defect of reparation thereof in diverse parts of the same, broken was and wasted, the beasts aforesaid into that close in the foresaid place called* G. *by that breach at the time of the taking aforesaid, escaped and entred, and the foresaid* E. *then there being, the beasts then and there took, as by the Court aforesaid is supposed, and this ready is he to verifie; wherefore he prayes judgment and his dammages by occasion of the taking to be adjudged, &c.*

Replic' of the pl. the inclosure was sufficient.

And the foresaid E. *saith, that those beasts the time of the taking aforesaid supposed to be, the hedg aforesaid sufficiently made and repaired violently broke, and into the same place called* G. *entred, and the herb in that place growing eat up, and dammages in it did, for which the same* E. *those beasts then and there took, as the same* E. *above alledged hath, and this ready is he to verifie; wherefore he prayes*

prayes judgment, and the return of those beasts to be adjudged him, &c.

Rejoinder.

And the foresaid T. *saith, that the hedges aforesaid at the time of the taking aforesaid supposed to be, broken and wasted were in the form which the same* T. *above alledged hath, and this he prayes may be inquired by the country, and &c. likewise: therefore* 12. *&c.*

Finding.

Action of trover.

Ss. I. P. *plaines of* I. K. *of a plea of trespass upon the case, and whence the same* I. *by* I. W. *his attorny saith, that whereas the foresaid* I. P. *the first day of N. the year, &c. at* P. *within the jurisdiction of this court possessed was of two ewes of the price of* x. s. *as of his goods and chattels proper, and so thereof possessed being after viz. the same day and year at* P. *aforesaid the goods and chattels aforesaid out of his hands and possession casually he lost and missed, which goods and chattels after viz. the same day and year at* P. *aforesaid to the hands and possession of him* I. K. *by finding came. yet the foresaid* I. *certainly knowing the goods and chattels aforesaid to be the goods and chatt' of the foresaid* I. P. *and to him* I. P. *of right to belong and pertain, contriving and fraudulently intending the same* I. P. *in this part craftily and subtilly to defraud and deceive, the goods and chatt' aforesaid of the foresaid* I. P. *though often required, &c. as yet hath not given up nor delivered, but the goods and chattels aforesaid after viz. the first day of D. the year abovesaid, to his own use and commodity disposed and converted, to the damage of him* I. P. *of* xx. s. *and thereof he produces his suit, &c.*

Count

Count in treſpaſs.

S.S. *attached was to anſwer* I. E. *a plea why he together with* W. L. *the cloſe and houſe of him* I. *at* B. *within the juriſdiction of this court broke, and other enormous, &c. Whence the ſame* I. *by* I. H. *his attorney plaines that the foreſaid* S. *together, &c. the* xxx. *day of September the year &c. the cloſe and houſe of him* B. *at* B. *within the Juriſdiction of this court broke, and other enormous, &c to the grievous damage of him* I. *whence he ſayes that he the worſe is, and damage hath to the value of* xx. s. *and thereof he produces his ſuit, &c.*

For the cloſe and houſe broken, and herbes taken, then ſo.

And whence the ſame H. ~~*in*~~ *his proper perſon plaines that the foreſ.* I. *together with* R. R. *and* I. L. *the* 1. *day of Sept. the year, &c. the cloſe and houſe of him* A. *at* W. *within the Juriſdiction of this court broke, and his herb to the value of* xx. s. *now lately growing with certain beaſts viz. horſes, oxen, cowes and hoggrels eat up, trampled and conſumed, and other enormous things to him hath done, to the damage of him* H. xxx. s. *and thereof he produces his ſuit, &c.*

Culpable not pleaded.

And the foreſ. def. by I. F. *his atturny came, and defendeth the force & wrong when, &c. and as to ſo many treſpaſſes aforeſ. beſides the breaking of the cloſ aforeſ. he ſaith that he no whit is thereof culpable, as the foreſ. plaint' above againſt him plaineth, & of this he puts himſelf upon the country, and the foreſ. pl. likewiſe: and as to the breaking the cloſe aforeſ. the ſame def. ſaith, that the foreſaid pl. his action againſt him to have ought not, becauſe he ſaith, that the foreſaid*

ſaid plaintif before the time in which ſuppoſed is the treſpaſs aforeſaid to be, one cow of his the def' at G. *aforeſaid found, without cauſe reaſonable took, and her into the cloſe aforeſaid drove, and her there impounded, for which the ſame def. that cow again to have, the cloſe aforeſaid the aforeſaid time in which &c. entred, and her then and there took and brought away, as well he might; and this ready is he to verifie; wherefore he prayes judgment whether the foreſ. pl. his action aforeſaid therefore againſt him to have ought, &c.*

Replication of his own wrong without ſuch cauſe and iſſue upon it.

And the foreſaid plaintif ſaith that he for any things prealledged from his action aforeſaid of breaking the cloſe aforeſaid againſt the def. aforeſaid præcluded ought not to be, becauſe he ſaith that the foreſaid def. the day and year aboveſaid, of his own wrong, and without the cauſe by him the def. prælledged, the cloſe of him the pl. at C. *aforeſaid broke, as he above againſt him plaineth, and this he prayes may be inquired by the country, and the foreſ. def. likewiſe: therefore* 12. *&c.*

Barre in treſpaſſe by offer of reaſonable amends.

And the foreſaid def. by I. W. *his attorny came, and defend' the force and wrong, when, &c. and ſaith that the foreſaid plaint' his action aforeſaid againſt him to have ought not, becauſe he ſaith that he immediately after the foreſaid time of the treſpaſſe aforeſaid to be ſuppoſed, viz. the* 10. *day of Jan. the year &c. at* N. *aforeſaid, by the proper hands of him the def. offered to pay to the foreſaid pl.* xi. s. *for his damages with the cowes aforeſ. in the foreſ. place in which, &c. to the foreſ. pl. done, which* xi. s. *were ſuffic.*

amend-

amendment for the dammages with the Cows aforesaid, in the foresaid place in which, &c. the same time which, &c. done, which xl.s. *the foresaid pl. of the same def. to receive then and there altogether refused. And this ready is he to verifie; wherefore he prayes judgement, whether the foresaid plaint' the action aforesaid therefore against him to have or maintain ought, &c.*

Tender of sufficient amends is a good plea in repleg' before impounding the beasts, not after.

Note, that if any man pl. or def. be minded to remove any action out of this Court, he must do it by the Keepers of the liberty of England by authority of Parliaments writ, called an *Accedas ad cur'*, which issueth out of the Chancery; and it must be made by a Cursiter of that Shire where the action lieth, and directed to the sheriffe of the same County, who will make his warrant to the bailife of that Court, and the bailife must take his return of the warrant, thus; First the bailife sends or delivers to the sheriffe a copy of the entrance of the Court when the cause was removed, thus:

Alton V Vestbrook.

The Court of R. T. *Knight, there held on Thursday, viz. the* x. *day of May the year, &c. before* I. W. G. S. R. H. *and* T. D. *suiters of the same Court.*

The Copy of the plaint.

I. S. *plaineth against* W. W. *a plea of taking and unjust detaining of his beasts.*

By vertue of this precept to me directed, taking with me I. V *&c. four discreet Knights of the hundred of A. foresaid, I came to the Court of* R. T. *Knight, and to be recorded caused the plea which is in the same Court betwixt*

I. S.

I. S. *pl' and W. W. defen', and that record ready I have under my ſeal and the ſeals of the foreſaid* 4. *Knights of the ſame Court, of thoſe who at that record preſent were, and to the parties aforeſaid the ſame day have I prefixed as to me commanded was, In teſtimony of which matter as well I* R. F. *baily of the Hundred aforeſaid, as the foreſaid* I. W. *&c.* 4. *legal Knights of the Hundred aforeſaid to theſe preſents our Seal have put.*

Thereupon the ſherife maketh his returne, as to the ſaid writ appeareth.

FINIS.